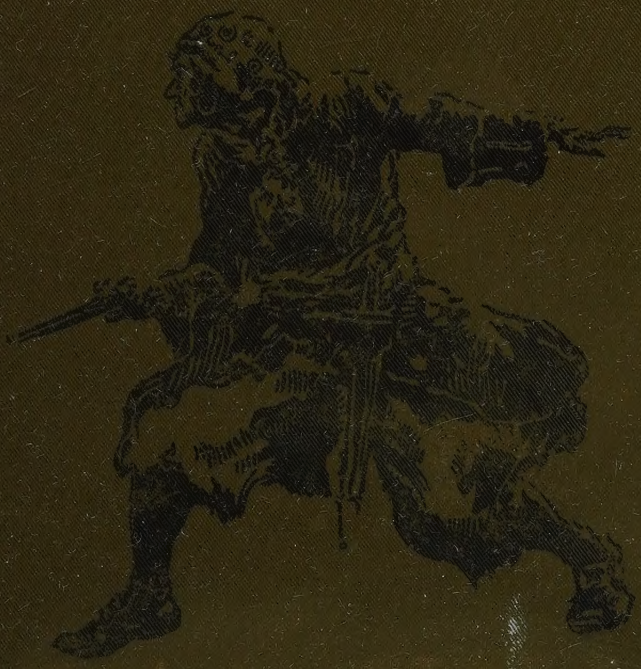
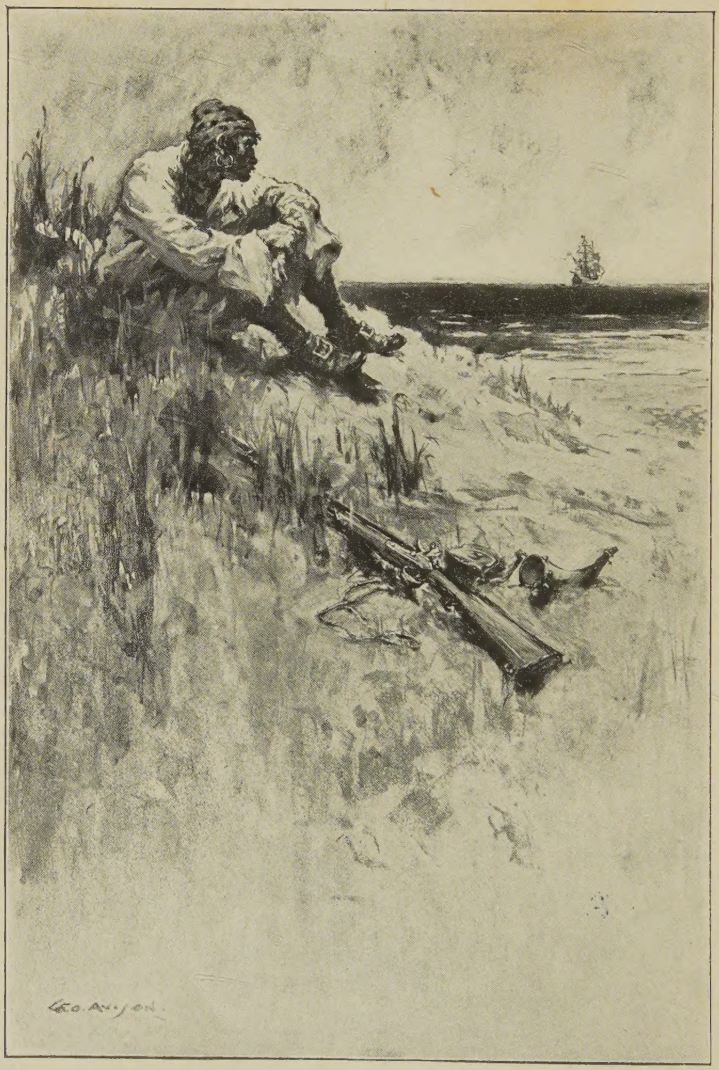
PIRATE TALES FROM THE LAW



ARTHUR M. HARRIS

Redwood Library
NEWPORT, R.I.
THE GARDNER BLANCHARD PERRY FUND
WITHDRAWN

PIRATE TALES FROM THE LAW



Mr. Dutchman was rowed ashore and left with a gun, some powder and shot. FRONTISPIECE. *See page* 97.

PIRATE TALES FROM THE LAW

BY

ARTHUR M. HARRIS

WITH ILLUSTRATIONS BY

GEORGE AVISON

REDWOOD LIBRARY
NEWPORT, R. I.

BOSTON
LITTLE, BROWN, AND COMPANY
1923

DEC 17 1923

Copyright, 1922, 1923,
By Arthur M. Harris.

All rights reserved

Published August, 1923

9EX
·H24

G535
.H3
1923

144670

Printed in the United States of America

SHIP AHOY!

Heave to, Shipmate!

Here's a book, — a book about pirates, the grim old fellows of the eighteenth century, who used to surge over the bulwarks of honest merchantmen in a wave of cutlasses, pistols and general deviltry.

Not all of them, Shipmate. Not Lewis, Rackham, Davis, Low and others, but of those who were caught, or some of whose subordinate rascals were caught, by the fierce messengers of His Most Gracious Majesty the King, or taken in combat — dreadful combat — by the oaken-hearted stalwarts of Authority, and brought to Justice and hanged up at old Execution Dock, hard by Thames River, as it swirls muddily from London Bridge.

That's the point about this book, Shipmate. It's the story of the Old Game, the Grand Account, as those ruffians termed their wicked trade, stripped of legend, excised of exaggeration and presented to you as it was adduced in the courts of law by the sworn witnesses, the probing counsel, the directing judges and the juries who cast their capital verdicts. History, in other words; veritable history, but recounted — well, as you shall see for yourself.

Good luck, Shipmate!

ARTHUR M. HARRIS.

CONTENTS

CHAPTER			PAGE
I	Salt Water Money	*Captain Kidd*	1
II	Black Flag from Boston	*John Quelch*	79
III	Sea Horror	*"Blackbeard"*	111
IV	Back Pay	*Henry Avery*	159
V	Groan o' the Gallows	*Tom Green*	213
VI	"Who Fires First?"	*John Gow*	275

ILLUSTRATIONS

Mr. Dutchman was rowed ashore and left with a gun, some powder and shot . . . . . *Frontispiece*

PAGE

She went up to the coppery Indian sky in great festoons of smoke 38

He fought the lieutenant with the verve of an athlete fresh for the field 156

"You white-livered coward!" bellowed Williams, "Run away from a frog-eater!" 303

PIRATE TALES FROM THE LAW

CHAPTER ONE

SALT WATER MONEY

Captain Kidd

I

SOMETIME in the autumn of the year 1695, Captain William Kidd, of New York, arrived in the city of London. He came as master of a trading sloop; he left in the following spring a commissioned officer of his most gracious Majesty, King William III, on the quarter-deck of what was really a man-of-war.

This was not the first time, however, that Captain Kidd had been in the public service. Said to be the son of a Scottish minister, he became first definitely noticeable in the province of New York, where, sometime before 1695, the grateful council of New York had voted him a gratuity of one hundred and fifty pounds for valuable efforts in suppressing local disturbances, ensuing the revolution of 1688. Not only that, but dur-

ing England's interminable argument with France, he had locked shrouds with the Frenchmen off the West Indies, thus acquiring the repute of a " mighty man " against them.

In fact, Captain Kidd when he thus stepped on to the docks of old London was a substantial colonial, a householder and taxpayer of the town of New York, where, we must suppose, his wife and daughter moved in those delectable geometrical figures, the best circles.

The royal commission of 1696, though, was a novel one in the captain's experience.

It is important to notice the exact wording of this commission:

" William III. By the grace of God, king of England, Scotland, France and Ireland, defender of the faith, etc. To our trusty and well-beloved captain William Kidd, commander of the ship Adventure-galley, or to any other the commander for the time being. Whereas we are informed That captain Thomas Too, John Ireland, captain Thomas Wake, and Captain William Maze, or Mace, and other our subjects, natives or inhabitants of New England, New York and elsewhere in our plantations in America, have associated themselves with divers other wicked and ill-disposed persons, and do, against the law of nations, daily commit many and great piracies, robberies, and depredations in the parts of America, and in other parts, to the grave hindrance and discouragement of trade and navi-

gation, and to the danger and hurt of our loving subjects, our allies, and all others navigating the seas upon their lawful occasions; Now know ye, That we being desirous to prevent the aforesaid mischiefs, and, as far as in us lies, to bring the said pirates, free-booters and sea-rovers to justice, have thought fit, and do hereby give and grant unto you the said William Kidd (to whom our commissioners for exercising the office of our Lord High Admiral of England, have granted a commission as a private man of war, bearing date the 11th day of December, 1695,) and unto the commander of the said ship for the time being, and unto the officers mariners and others, who shall be under your command, full power and authority to apprehend, seize, and take into your custody, as well the said Thomas Too, John Ireland, captain Thomas Wake, and Captain William Maze or Mace, as all such pirates, free-booters and sea-rovers, being our own subjects, or of any other nation associated with them, which you shall meet upon the coast or seas of America, or in any other seas or ports, with their ships and vessels, and also such merchandizes, money, goods and wares, as shall be found on board, or with them, in case they shall willingly yield themselves; but if they will not submit without fighting, then you are by force to compel them to yield. And we do also require you to bring, or cause to be brought, such pirates, free-booters and sea-rovers as you shall seize, to a legal trial; to the end that they may be proceeded against according to law in such cases,

And we do hereby charge and command all our officers, ministers, and other our loving subjects whatsoever, to be aiding and assisting you in the premises. And we do hereby enjoin you to keep an exact journal of your proceeding in the execution of the premises, and therein to set down the names of such pirates and their officers and company, and the names of such ships and vessels as you shall by virtue of these presents seize and take, and the quantities of arms, ammunition, provision and loading of such ships, and the true value of the same, as near as you can judge. . . . In witness whereof we have caused the great seal of England to be affixed to these presents. Given at our court at Kensington, the 26th. day of January, 1695, and in the 7th. year of our reign."

Of all of which the sum is that Commander Kidd, in his private man-of-war, is to catch Tom Too and the rest of them wherever he could find them, bring them to justice and render a careful account of their ships and cargoes. The ostensible aim is to protect the American colonies; actually it is to exterminate piracy wherever discovered.

English-speaking folk have been as much a part of the sea as the white spume of the waves. Like their element, too, they have made for good and ill. The by-product of England's maritime effort was the sea-rover, a creature often as skilled, unfearing and enterprising as his brother

who went up and down the highways of the ocean on more lawful occasions.

Seventeenth- and eighteenth-century piracy gave to the world that villainous, but picturesque, aggregation of maritime felons which has so much fascination for people who never grow too old to enjoy vicarious adventure: Too, Ireland, Wake, Low, Davis, Lewis, England, Blackbeard, Avery, Gow, Quelch and other bold quarter-deck — usually the other fellow's quarter-deck — strutters, including, notably, the subject of our present observations.

These ungentlemen gleaned in three principal regions: Africa, the East and West Indies, with an occasional flyer down Brazil way. Under the black flag, we shall presently see something of all these places; just now we are engaged with the East Indies. Coming and going, and sometimes lingering, they bothered the " plantations " all the way from Charleston to Boston, so that the total scope of piracy was sweeping and widely embracing.

India was pouring out richly its products of field and loom, plantation and cottage, and was drawing hungrily in from Arabia, Europe, Africa, everywhere, the things nature or economic circumstance denied her. The carriers of this mighty movement of materials were usually rather insignificant craft called grabs, pinks, galiots, sloops and what-not; affairs of one mast, a

couple of men, a boy and about sixteen ounces of cargo. These were coasters; a larger vessel plied to the Gulf of Aden and the Red Sea under charter of Moors, Armenians and other swart merchants.

Bumping these lesser fry out of the way, however, were the comparatively impressive ships of the expanding European trading companies — Dutch, Swedish, Austrian and so on — and preeminently the English East India Company, destined to grow great enough eventually to swallow India herself, — old John Company.

The English company — taking it as illustrative — lined the Indian coast with its forts or factories, and built its own vessels, the noted "Indiamen", at its home docks at Deptford; fought its rivals, fought the natives, carried on perpetual war under the banner of trade. Protected to the point of complete monopoly by royal and parliamentary charters, it became practically a State itself, with the power of minting money, maintaining forts and armies, negotiating treaties, declaring war or making peace, and authorized to send its ships out beneath the royal ensign, commanded by captains every one of whom was the king's commissioned officer.

Although ships of many flags plied in the commerce of the East Indies, if you were aboard a larger Moorish, Arabian or Armenian vessel, you would often have heard the working of it directed by the bellowings of a Devonian, a Londoner, or

a burr-tongued Yorkshireman. And if from the lookout there came the cry of "Pirate!" you could be just as sure that that swiftly oncoming menace was driven by a man who called in English to a crew which needed no interpreter.

This varied coast and trans-oceanic sea traffic was almost without police protection. At their settlement up Calicut way, the Portuguese had a few ineffective tubs they called a navy. In India itself the one-time vigorous rule of the Moguls was collapsing and anarchy was slipping from beneath the lid. Yet even as government caved in, commerce hardily struggled on, in spite of the fact that its voyages began in fear and ended by good fortune, and its ships too often became fat, unshepherded sheep for lean and unlawful shearers.

And the shearers — Tom Too *et al.* — came; came in hordes; came from anywhere and everywhere, chiefly from across the Atlantic, New York, New England and their historic nest, the West Indies.

The lay of the land as well as of the water made against the merchant and for the brigand. Once in the neighborhood, a thieving craft could steal up a river and wait its opportunity, comfortably provided with wood and water. Madagascar was the despair of the English Admiralty and the bitter wail of merchants great and small. It was the prime way station for pirates on their way to and from the Indies; it was a land with-

out law, governed by warring native chieftains, and with the Comoro Islands close by, made one of the finest strategic bases imaginable for piratical operations. There the pirates swarmed, careened their ships, salted their provisions, established regular colonies, and exchanged from one ship to another, leaving or signing-up quite after the manner of legitimate ports. It was the West Indies of the Indian Ocean.

To strike piracy down in Madagascar and India was to weaken its blow both at the American colonies and the Spanish Main. To India Kidd knew he must resort to enforce the terms of his commission.

Richard Coote, the Irish earl Bellamont and a gentleman to whom the historian Macaulay gives a very good character, was at that time governor of the Province of New York. According to some accounts, he was in London when Kidd arrived there in the autumn of 1695 and was introduced to the sailor by a Colonel Livingston, one of New York's prominent citizens, then in England. Macaulay, however, says that Bellamont was already in America when the acuteness of the problem of piracy stirred him to action, and that there he was recommended to William Kidd as a man competent on the sea and entirely familiar with the practices of pirates. Bellamont's appeals to the home government for action being fruitless, he and Kidd evolved the notion of outfitting a private man-

of-war, Kidd to command, and sending it forth to meet the situation in whatever stronghold piracy might then be found. The venture would doubtless be profitable as well as patriotic.

Bellamont promoted the scheme with eloquent letters to England and was so persuasive that statesmen like Shrewsbury and Romney, Orford, First Lord of the Admiralty, and John Somers between them subscribed several thousand pounds, and obtained the commission, under the Great Seal, which we have seen created Kidd in effect the sheriff of the far-off Orient seas.

With these funds a galley — not, however, the kind formerly propelled by oars, but a sailing ship — called the *Adventure* was purchased. Her measurement was two hundred and seventy tons. You can see from that what an imposing ship she must have been, especially when, in imagination, placed beside a modern transatlantic liner, for which she might possibly be big enough for a lifeboat. In those times the last thought of a sailor seems to have been for the size of his ship. Perhaps he was afraid a large ship would break in two. At any rate, he threw himself in the most matter-of-fact way at the highest waves in the world with what we would consider merely exaggerated rowboats.

Kidd bristled the *Adventure* with thirty cannon. They understood the economy of space in those days, you may well imagine. Kidd must have been a natural-born packer. Not only

thirty guns did he get on board, not only provisions for months, with small arms and ammunition as well, but when he left New York on the first run of the cruise proper, he was bedding and boarding some one hundred and sixty men! Whatever else he may have been, the captain was a man who knew his business as a tailor knows his needle.

In order that he might be a stone for two birds, another commission was laid upon Kidd to take and condemn French ships, as by law made and provided, France and England being at war as usual. The thought was that any leisure hour that could be spared from taking pirates might be usefully employed in catching Frenchmen. The British Admiralty was always a great hand at putting people to work.

Of course, if he got a Frenchman, he was not entitled to the captive's goods, wares and merchandise. Enemy ships were to be brought into the nearest British port and by the proper authorities condemned. He had a blank check signed only on the sea-robbers' banks.

These things arranged, the trusty and well-beloved William Kidd, twice commissioned, competed with the active press-gangs for eighty good and faithful seamen among the taverns of Wapping and the wet alleys of Blackwall.

II

Spring's early smile was broadening to a merry laugh amid the bushes and hedgerows of old England when the *Adventure* drew out of Plymouth for the East Indies, by way of New York. Past the fishing boats, the west coasters and an anchored man-of-war she slipped, on one of the most unusual errands that had ever engaged a ship clearing from that ancient port. It was probably a great morning on which to begin a voyage, with a sparkle on the waters and an edge to the sea air that must have sent the chanty rolling up from hardy throats and put a snappiness in strong muscles that labored zestfully at rope and windlass.

Putting out to sea on a fine morning is one of the peculiar delights of healthy folk. At such a time one does not reckon on never returning — that might be the fate of the other man, not ours — yet of the eighty men obeying Kidd as captain that morning many had set their last foot on the soil of home.

Like the new broom of adage, the *Adventure* bowled across the Atlantic to the western colony in seaman fashion in the quite creditable time of a month. She was not, in fact, a sound ship.

Long before the Indian seas had been harvested her crew were calling her names, such as " Leaky and crazy " and what not. It turned out that she had the qualities of a good sponge, being absorbent at almost every seam and requiring constantly to be squeezed dry with the pumps.

So it was something to reach New York without misadventure. Off the Banks they took in a small French fisherman unlucky enough to get in their way. She was sent into New York for condemnation. This appears to have been the first and last time that Kidd lawfully employed himself under his two commissions. A trifling take it was, to be sure, but it gave Kidd's arrival in New York quite the air of officialism.

Kidd purposed to recruit eighty more men at New York; evidently he esteemed the colonial sailorman as much as him of the mother country. To do this he caused to be printed and set up in various gossip spots about town enticing handbills inviting adventurers. The meat of the call was that there was plunder a-plenty to be taken from the East Indian pirates, and lots of fun for a stalwart man in the taking.

Men accepted would be placed upon a fair share basis, after deducting twenty-five per cent. of the profits for the ship. He had no trouble attracting a crew. In fact so hearty was the response that there were fears in the colony that its man power would be depleted. Strong arms were needed against the Frenchman, Indians and

whatever other perils might befall an isolated community far from the protection of the mother country in times such as those were.

Contemporaries do not speak squeamishly about an element of Kidd's crew. Well, the captain asked no disingenuous questions and for more than one fellow in a tight pinch it was a lucky way of escape. Many others were no doubt decent, respectable men intrigued by the prospect of vividly imagined gains. The less definite the harvest of a speculation the more it seems will men greedily pursue it. So Kidd finally herded some one hundred and sixty men all told on the deck for watch divisions when the *Adventure* was geared for sea.

This outfit was rather more than merely master and men; they were co-partners. Forty shares were to go to the ship and the remainder was to be parceled out in lumps of average weight according to a scale agreed upon by all. Bellamont and Company supplied arms and equipment at a charge.

The late winter ice still cluttered the Hudson River when the *Adventure* at length turned its prow toward the Indies, Madagascar and Fortune. Kidd, according to the proprieties of the sea, kept himself a cabin, the rest of them shifted in forecastle and hold as well as a hundred and sixty men in a small ship might. With the best they could do conditions of life must have be-

come very serious and in a way invited the heavy sickness that fell upon them when the hot regions of the East were reached.

At the Madeiras the voyage was broken briefly, then off again to India. Summer was torrid on land and sea when the company finally "watered and victualled" at Madagascar. And now for some months Kidd cruised up and down the coast without any overt act under his commissions, cruised, that is, with a ghastly plague aboard which tumbled four or five men a day over the bulwarks and into the oily, turgid deep. When one conjectures the sanitation of the *Adventure* it is marvelous that any one escaped the calamity.

What could the captain have been thinking of as he loafed aimlessly up and down the Indian coast? He did business with neither pirate nor merchantman, just seems to have gone here and there as the wind blew him. He may have been acquainting himself with the nature of the commerce of those parts; it may have been a period of debate with him as to whether to persist as a law officer or strike out in the new line of law breaker. It is hard to think that Kidd arrived at Madagascar with a formed pirate purpose; perhaps they may be right who say that after carefully appraising the situation as a whole he chose the plundering line. However that may have been, Kidd's first major operation in those parts was not against pirates, according to his commis-

sion, nor the French, but against merchantmen in their peaceful pursuits.

At this point let us get the lay of the land, or sea, as it may happen. The captain leaving New York shot across the Atlantic to Madeira Islands, from which he right-angled down to the Cape of Good Hope. Swinging around this broad pedestal of Table Mountain, he ran up the coast of Africa, probably by way of the Mozambique Channel to Madagascar. He stopped here long enough to refresh his stores, then beat up toward India.

Roughly, Madagascar, for Kidd's purposes, may be thought of as the apex of a sort of isosceles triangle, with the Red Sea for one angle and Bombay for the other. Within these boundaries the captain had the Red Sea, the Gulf of Aden, and the Indian Ocean to navigate, with Madagascar to run back to from time to time.

Sea traffic, such as it was, around the cape was not attractive to the pirates, at least so much as that which passed more quickly from India through the Indian Ocean to the Red Sea and gulf countries. Compared with Africa, India, of course, had an old and rich civilization and it was for the products of that country that the mouths of pirates watered; the costly silks, linens, spices and gold and silver treasures which had become the traditions of sailors' dockhead stories.

As it happened, however, it was not a cargo going from India which first enticed Captain

Kidd, but cargoes going thence from the gulf region, more particularly the fat freight of what was known as the Mocca Fleet.

"Men," said Kidd, as he swung the *Adventure's* nose suddenly about at the end of his dallying days in the Indian Ocean, "we are off to Bab's Key and the Mocca Fleet. We will ballast our good ship with gold and silver from this Mocca Fleet."

Thus did Kidd treat his commission as a scrap of paper, to be quite modern, and thus, with a roaring cheer, another terror was added to the troubles of honest commerce.

III

At this port of Bab's Key, then, the Mocca Fleet was being stuffed as the fox stole smoothly upon it from the Indian Ocean. About fourteen ships made up the fleet, going in mass for safety, and chartered by the usual polyglot crowd of Dutchmen, Arabians, Moors, Armenians and so on.

While the coolies sweated and strained and hauled bundles and bales aboard, certain odd-looking strangers sauntered about the docks, marking closely the lading of the vessels. These were Kidd's men, spies he had sent ashore to warn him of the sailing of the fleet. With desiring eyes these men watched the caravans pouring in from the interior and emptying their freights into the various holds. Rich merchandise lay spread all about, — loot that their doughty commander was to appropriate without a thank-you and distribute among their tarry palms.

Not only that, but had you gone into the low, round hills that basined the town, you would have seen lurkers there, watching keenly the work on the fleet. More of the *Adventure's* men, sentineled all around by the captain as a kind of double watch. Kidd, you notice, was a man of

method; it was not going to be any fault of his if Bellamont and Company did not pay dividends.

Whether the presence of the spies had disturbed the skippers of the Mocca Fleet is conjectural, but when it did put to sea at length it was under both Dutch and English convoy. And in spite of Kidd's keenness it got away without notice.

Only when morning came above the swelling deep, after two or three weeks of waiting, did the lookout cry the captain from his cabin that the fleet was passing. True enough! There over the horizon the high poops of the Mocca ships were awkwardly wagging away to safety.

Orders immediately showered the decks like the great drops of a thunderstorm. The anchor chain grated sharply against the bows while the shrouds were all at once black with racing men. A few minutes and the *Adventure* began to take the water slowly; sail after sail bellied out and quickly she leaped and ducked and flung herself upon the heels of her prey.

Fourteen ships convoyed by armed Dutch and English guards would seem a large bone for so small a terrier as the pirate boat to grasp. Something must take possession of the reason of English-speaking sailormen when combat promises, for long odds challenge rather than daunt them. Their maritime acts sparkle with just such feats as this—absurd but in a way heroic—and had

Kidd had the color of law upon his work, the story of the Mocca Fleet would have echoed in generations of English schoolrooms.

Kidd certainly was grown on the tree that bore Grenville, Drake, Frobisher, Hawkins and the rest, even though it might have been advisable to prune him out. In quite the traditional spirit Kidd hurled his little ship at the great Mocca Fleet as casually as a boy would fling a stone into a flock of sparrows.

It might stimulate the imagination to tell how this extraordinary effort netted big gain, and how the *Adventure* knocked the merchantmen to left and right and plucked the fattest and richest of them from their midst, from which the captain redeemed his tropical promise to ballast his ship with gold and silver. But that would not be the fact. The difficulties were too great. After a brief peppering on both sides with round shot, the pirates were forced to drop back, and leave the fleet, frightened, fluttering but safe, tumbling on for India.

Well, it was a doughty but miscalculated start. The *Adventure* rode high upon the waves instead of bulwark-deep with goodly gain. The good cheer aboard must have flagged. What, they asked one another, what if the whole commerce of this country should be organized into fleets; what would become of poor pirates? Here they were embarked in a trade at great spending of money and effort, come all the way from New

York, only to find a great concentration of merchants against them, — surely a monopoly in restraint of trade. If this sort of thing kept up, there might be nothing for them left to do but to live up to the terms of the captain's commission and be content to sift the loot from gentlemen of free enterprise who had been on the ground in happier and more prosperous days.

Grumbling doubtless began now, if not before, and was kept up until it ended in a sad mischance to one Gunner Moore, which deplorable accident will shortly be narrated.

Kidd now began to net the gulf for anything he could catch. They hauled in a little Moorish ship, which was but a poor sardine for the whale that had escaped. She was too small to put up a fight and Kidd just bullied her down. From her they took a few bales of coffee, some opium and twenty pieces of Arabian gold.

They also caught a " linguister." It turns out that a " linguister " is not an article of commerce, but nothing more nor less than an interpreter, in this particular case a Portuguese person. Not a bad word that, — linguister; language rather more expressive than the scholastic interpreter.

Now you cannot ballast even a two hundred-and-seventy-ton craft with twenty pieces of Arabian gold and, refusing to believe that so poverty-stricken a craft could be in these rich reputed waters, Kidd improvised an inquisition. Some of the unfortunate captives were

hung up by the wrists and beaten with naked cutlasses by way of persuading them to reveal the real treasures of their ship. Nothing so far as the record shows came of this strenuous examination. So the pirates turned them loose minus their coffee and opium and the contemptible pieces of Arabian gold.

Rough usage this, but not the ultimate of ferocity with which Kidd has been charged. For all we know, this is as far as ever the captain went in the treatment of captive crews. It may be said as well here as anywhere that there is no walking the plank or other picturesque punishments of fiction. Ships were looted and turned loose, in most instances. Those of their crews who wished to might sign up with the pirates; their officers, if not sent back to their ships, were carried to the Indian coast and dumped there.

All hands were then in no very sociable mood when the incidents of this immediate time closed with the matter of the Portuguese man-of-war.

It was on an evening soon after the taking of the Moorish ship that the *Adventure* saw and was seen by a cruising Portuguese war-vessel. Now there was nothing in Kidd's contract with Bellamont, Livingston and the rest of them which even suggested that he should take any special risk, and of course not a line thereof which could warrant him in lying-to all night to risk the company's property in a perfectly gratuitous battle engagement with a ship of war.

This, however, is just what the *Adventure* did. Instead of taking the hours of darkness for a discreet and quite justified withdrawal from an embarrassing situation, Kidd and his merry men impatiently watched for the first break of light in the east for a go with an enemy. After all the *Adventure* was well and poetically named. Conduct of this kind makes us suppose that gain was less in the eye of these folk than rip-roaring adventuring in lawless waters.

Historically, the Portuguese opened fire first on Kidd. Evidently that swart son of Lisbon had not heard from the Mocca Fleet that a wild demon was loose on the sea. When you read that the Portuguese opened first fire on Captain Kidd, you think at once of a foolish tramp going out of his way to kick a sleeping bulldog. Mr. Portuguese got a surprising rattle of shot on his bulwarks and sails. He had opened fire on the one man in all the East Indies that with more exact information he would have avoided.

Kidd closed with him zestfully and for five hours they whanged away at each other, and at noon, all concerned having had a brisk workout, as the athletes would say, the two ships drew apart and went their ways, flinging shot at each other till Neptune shouldered them beyond range. Ten men of the *Adventure* lay about the ship with broken bodies, waiting the perhaps more dangerous ministry of ship's surgeon Bradinham.

Save for the fun of fighting here were three or four weeks wasted. A couple of these had been thrown away hanging around for the Mocca Fleet and a couple more had brought forth only the meager pilfering of a Moorish sloop. It is not unnatural then that when, after the *tête-à-tête* with the warship, the craft *Loyal Captain* sighted and seeming to promise worth-while gleaning, was allowed by Kidd to go by scot-free, without a hand being raised, discontent began to threaten discipline on board the *Adventure*.

IV

In a gang of men with a grievance grumbling usually becomes vocal in a sort of natural spokesman. The kind of people who manned the *Adventure* were probably hard to manage, especially after all hands had committed themselves as lawbreakers. They were taking so many risks that unless profit came in to justify them their complaints would sharply flare up.

They were in front of danger from disease, a demoralizing illustration of which they had but recently seen in their own ship; the robbery of ships was also dangerous, while most vivid of all, though farthest removed geographically, was the picture of outraged authority waiting them at home with the grim paraphernalia of Execution Dock.

Such things make men peevish and if all be endured or braved it must not be for a mere trifle. And, beyond the game with the Portuguese, which all would admit was the one bright spot of the month, nothing by way of a share had been passed around, for the quite apparent reason that nothing had been taken to share.

Why Kidd let the *Loyal Captain* get away is known only to himself. His men did not under-

stand it. They knew he was not afraid; they never doubted in that sort of thing. But there she went, — a good-sized merchant ship, the very thing they were all out here risking their necks for.

Gunner Moore gave tongue to their troubles; Gunner Moore was not afraid, not he; out with it and speak up like men. Why he himself could have shown Captain Kidd a way to take the *Loyal Captain* and that without any risk. There is always a Gunner Moore. Always in all undertakings, lawful as well as unlawful, there is an ever-ready subordinate with better plans and methods than his superior's. Such men always talk and almost always fatally. Gunner Moore did.

You notice the sting in the gunner's phrase — "without risk." That was the heel by which to prick the demon up in the captain. The imputation of fear so plainly false, — no wonder as Gunner Moore was grinding a chisel on the deck, the hoarse voice of his commander growled in his ear —

"Which way could you have put me in a way to take this ship (the *Loyal Captain*) and been clear?"

It was a hot minute for Gunner Moore. Now Mr. Moore, you who are so smart, how would you have taken the *Loyal Captain* without risk? One may feel sorry for the gunner; he has angered the hardest man, in some respects, on or off the

coast of Malabar, in whose shelter the *Adventure* was then riding.

The gunner did what almost everybody would have done in the same stress; he tried to put out to sea in a lie.

"Sir," said he, "I never spoke such a word, nor ever thought such a thing."

Gunner Moore was not naturally adapted for the piratical life. With Kidd in that mood and menace before him there was no refuge for him in words. The captain must have surmised that the gunner had been audible to the crew as well as himself, and his particular game made an example imperative. It was really all up with the gunner before a word was said.

Everybody on board was looking on. The sail maker sat cross-legged with his needle poised; men dozing on the blistering decks awoke to stare; over the yardarms aloft the heads of the sailors working gazed fixedly below them; it was that intense moment before tragedy.

Captain Kidd pronounced sentence in a voice that everybody could hear:

"You lousy dog!"

Kidd was never short of picture words. He used few abstractions; everything and everybody he painted in quick, certain colors.

Perhaps, after all, there was a chance for the gunner. If he had meekly bowed assent and driven along with his chisel-grinding it might have been well for him. But it is to be taken that

Gunner Moore had passed himself for a man of some character among his fellows. He was a sort of gang leader, apparently; had he not spoken up, had not his attitude been, "Who's afraid of Kidd?" He was, really, but had not imagination enough to know it. And now he was tumbled low before all men with these rough words. To swallow them was to creep about the ship forever humble. He rallied, did the gunner, but instead of rallying with words he should have resorted to the chisel in his hand or a marlinspike. No, he did not understand the piratical trade. He mistook it as a calling in which one could still talk.

"If I am a lousy dog," he cried desperately, "you have made me so; you have brought me to ruin and many more."

"And many more." Notice that! It is an appeal to that gaping sailmaker, those wide-eyed sleepers, those staring men in the rigging. Here am I, it says, your spokesman, telling the captain now just what we have all been saying about him and the way we all feel; stick by me; somebody up there in the yards please drop a block on his head.

Gangs, being untrained and undirected, are necessarily uncertain and do not engage their opportunity. A brisk demonstration of sympathy might have saved the gunner; the captain was only one man.

The ship rocked, the wind blew sluggish from

Malabar, a cord smacked thinly against the spars and the moment passed.

"Have I ruined you, ye dog?" replied his formidable opponent. "Take that!"

Kidd grabbed a heavy wooden bucket, bound with iron hoops, probably the one holding the water with which the gunner wet his stone, and smote Moore upon the head.

Sails sank his needle back in the canvas, the sleepers turned over on their sides, the men aloft looked a moment solemnly at each other, and the wooden bucket, bound with iron hoops, rolled redly to the scuppers.

There was an opening for a gunner aboard the ship *Adventure*.

Malabar, that beautiful and fertile strip of the Indian coast which fronts the Arabian Sea for some hundred and fifty miles, was a sort of way station for Kidd as he worked the Red Sea, the Gulf of Aden, the Arabian Sea and the Indian Ocean. He ran in and out of this region according to his need of victualing or repairing the now unsatisfactory *Adventure*.

He was not what one would call exactly welcome there. His coming meant a disturbance in the local villages and the liberation upon them of an undisciplined and roguish company. His crew and the natives not occasionally fell out. Very likely the sailors were the beginners of the trouble, — so their general make-up of character would suggest. Gunner Moore's death was not

the only violence of the *Adventure's* hours at Malabar.

There was, for instance, the matter of the ship's cooper. That artisan got among the natives and never came back to the ship. It was on him the townsfolk avenged themselves in an undetermined quarrel with the pirates of which the cooper's death was an episode. Knowing Kidd as we do, it is not astonishing that he visited his wrath upon the natives in vindicating the life even of a ship's cooper. He swarmed his men ashore, burned down the dwellings of the people and, catching one of the inhabitants, ordered him, with crude formality, shot.

It is a wonder that he did not exterminate the town. Mere ruthlessness, however, would not seem a part of his disposition. In this matter of the cooper there cannot be much question that the final responsibility must fall upon the captain, whose failure to keep order among his men made their acts of provocation possible.

With these two incidents of the gunner and the cooper to lend action to his sojourn, Kidd lay about Malabar until November, 1697, was advanced. He then pulled up his anchor and breezed out to the Arabian Sea seeking what or whom he might devour. The lot fell on a Moorish ship, out from Surat, under the command of a Dutch skipper.

On sighting her, Kidd went to the flag locker where he had a bundle of symbolic aliases and

picked out the flag of France, and flung it brightly from his topmast. The Moor was wallowing along without any insignia of nationality, but before very long, the *Adventure's* men saw her shake out the French flag. Whereupon everybody laughed in deep chests and kept smoothly to the pursuit.

After some hours of comfortable sailing the *Adventure* pulled alongside the Moor, and confronting her with a row of gleaming cannon bade her stop. No doubt the agitated Dutchman in command supposed that he had been intercepted by a French ship of war, and so, stowing certain ship's papers, doubtless prepared for just such earnest moments, in his pocket he obeyed Kidd's hoarse bellow to come aboard. While his boat was coming over to the *Adventure,* Kidd was arranging a reception for him of an artful kind.

He called one of the crew, a Frenchman, aft and bade him represent himself to be the captain of the *Adventure* in the pending interview with the Dutchman. Just why would soon be shown.

Over the side came the Dutch skipper with a puffed, perturbed face. The Frenchman met him and demanded his papers. With something of relief the skipper must have pulled out the French passes, or clearance papers, he had taken the precaution to bring on the voyage with him. He was relieved because he found himself on an undoubted French ship and happily with French shipping papers; he felt among friends.

No sooner was the French pass spread out than Kidd, standing close by, toying with the handle of his cutlass, roared out in frightening English:

"Ah ha, I have catched you, have I. You are a free prize to England."

This action shows that Kidd was not ready to avow himself a pirate. As such, there would have been no need for the subterfuge of French colors and a French captain; he had force enough to accomplish his intent as it was. The truth of the thing most likely was that Kidd coolly calculated that he could take ships under color of being Frenchmen, or some other excuse, and that even the despoiled vessels would not necessarily know his real status. He seems always to have had an eye to an early return to his accustomed social position. This, if anything, distinguishes Kidd from the typical pirate and so far denies the traditional picture of fiction.

Out of this small Moorish ship the haul was meager. Two horses, some quilts and odds and ends of cargo. He kept the ship with him until his next trip to Madagascar; probably, according to his custom, putting the officers ashore at Malabar, and recruiting his forces with any of the captives who wished to go along with him.

December soon marked a change in the very ordinary luck which had so far attended the *Adventure's* enterprise. A Moorish ketch in this month fell to them, and, rather unusually,

after a fight in which one of the pirates was wounded. An inconsequential affair it was at that, her capture being effected by a handful of men from the ship's boat. The captors ran her ashore and emptied out of her thirty tubs of butter as the principal gain. The ketch was then turned adrift.

All hands no doubt wished each other a happy and prosperous New Year as 1698 came over the horizon of time. But January was to step along quite a little before even a trifle was scavenged from the sea. This was a Portuguese, out from Bengal, and laden with butter, wax and East Indian goods. She was taken in without any trouble, and a prize crew put on her to keep her in company with the *Adventure*.

And now a disturbing matter arose for the captain. He was pursued by seven or eight Dutch ships, until he was obliged to call off his prize crew and abandon the Portuguese ship. It was disturbing, not because the captain was afraid of the seven or eight Dutch sail, but it must have indicated to him that his unlawful operations had not been disguised as well as he had wished. He saw then that word had got about the Indian ports that he was a pirate. His suspicions were correct; not only was the truth penetrating to India; it was also on its way to England, where a great shock was to befall all those concerned with King William's trusty and well-beloved mariner. Not the least so inter-

ested was to be that genteel nobleman, Earl Bellamont, Governor of the Province of New York, whose political enemies, airing the arrangement with Kidd, began to accuse him openly of having a good big finger in the piratical pie.

Thus far off all sorts of trouble were brewing for Captain Kidd as he beat about the spicy coast of India.

V

But a most momentous turn of fortune was impending. And it was high time. The pirates were thoroughly fed with butter; out of almost every capture they had taken butter, until it was butter, butter and nothing but butter. The *Adventure* promised to become a sort of floating grocery store, specializing on butter, with coffee a strong second, while, for those with a fancy for dreams, liberal quantities of opium could be passed over the counter.

Bellamont and Company had not gone to considerable expense just to corner the butter market of the East Indies, nor to interfere seriously with the dairy and grocery businesses of those regions. Had they been in receipt of monthly reports from their peculiar partner away out there, they would have been both surprised and disappointed and very properly grieved.

The butter era was about to end sharply. The *Quedagh Merchant* did that.

A comparatively large ship she must have been when Kidd first saw her lumbering along, loaded down to capacity. As soon as he spotted her, out from the locker came the French flag again, and as a French ship he drew quickly alongside.

Probably the usual round shot across the bows brought her up. If so that was the only demonstration of violence which marked the taking of one of the richest ships that ever a pirate gloated over.

As soon as the *Merchant* braced back, Kidd sent a boat from his ship to her with orders to bring the captain to him. The boat came back with an old Frenchman grumbling and puzzled in the stern. The skipper of the *Merchant* naturally thought a Frenchman should represent them to a French ship of unknown but threatening attitude. This old man, however, had not been long in talk with the pirate chief before he confessed that he was not the master of the *Quedagh Merchant,* but her gunner. Whereupon Kidd sent the boat off again for the real commander.

One begins to see the value of the ruse of sailing under French colors. Many of the ships on that particular beat evidently had French clearance papers. British trade was probably almost entirely through traffic around the Cape to England; the coastwise business was Moorish, by which was generally meant Arabian, Dutch, French and Armenian. Hence to approach the ordinary coaster, the French colors at his mast, avoided the delay and difficulty of a protracted pursuit, as well as served to disarm them when overtaken.

Whenever they had French passes, instead of

showing force to a seemingly French ship, the easiest and most natural thing for them to do was to expose their papers, and so proceed peacefully on their way. Such a ship as this which Kidd was now taking could no doubt have put up some measure of resistance had she been forewarned. Still again, Kidd artfully induced them to show a French pass and then revealed himself as an Englishman commissioned to take just that sort of craft, and thus despoil many victims without discovering his real traffic.

The French pass idea struck Kidd as so good that he worked it not only in the waters of the Indies but in the courts of his outraged Majesty, King William, as he entered the valley of death's shadow.

This time the boat came back carrying a swearing Englishman, one Wright, indubitable skipper of the *Quedagh Merchant.* When he set foot on the pirate's deck Kidd brusquely informed him he was a prisoner being off a French ship, as witness the embassage of the old French gunner. While Wright, who had formerly been a tavern keeper at Surat, bleated about the decks, Kidd sent a crew over to take possession of the *Quedagh Merchant.*

Here they found a couple of Dutchmen, probably the ship's mates, a Frenchman — the old gunner — and a crew of Moors. Another group of considerable importance to the story was that of the charterers of the ship — certain Armeni-

ans under the headship of one Cogi Baba. In a little while Kidd joined his merry men.

Here occurred a curious little comedy. So soon as Kidd came up the side, the Armenians rushed toward him and with loud cries and prayers besought him to return them their ship. They thrust at him the respectable ransom of twenty thousand rupees. Kidd waved their offer away, remarking that it was a very small parcel of money. He then called his men and instructed them to go off on the forecastle and hold a mimic conference together, wherein they were to pretend to vote upon the fate of the captured craft. With solemn stupid faces they grouped off by themselves, the while the plaints of the distracted Armenians assailed their hairy ears.

Then owlishly they returned to the quarter-deck where, with great seriousness, they informed their commander that they had voted to retain the *Quedagh Merchant*. Thereupon Kidd turned to the Armenians with a shrug of the shoulder as much as to say, what would you; what can you do with a crowd like that?

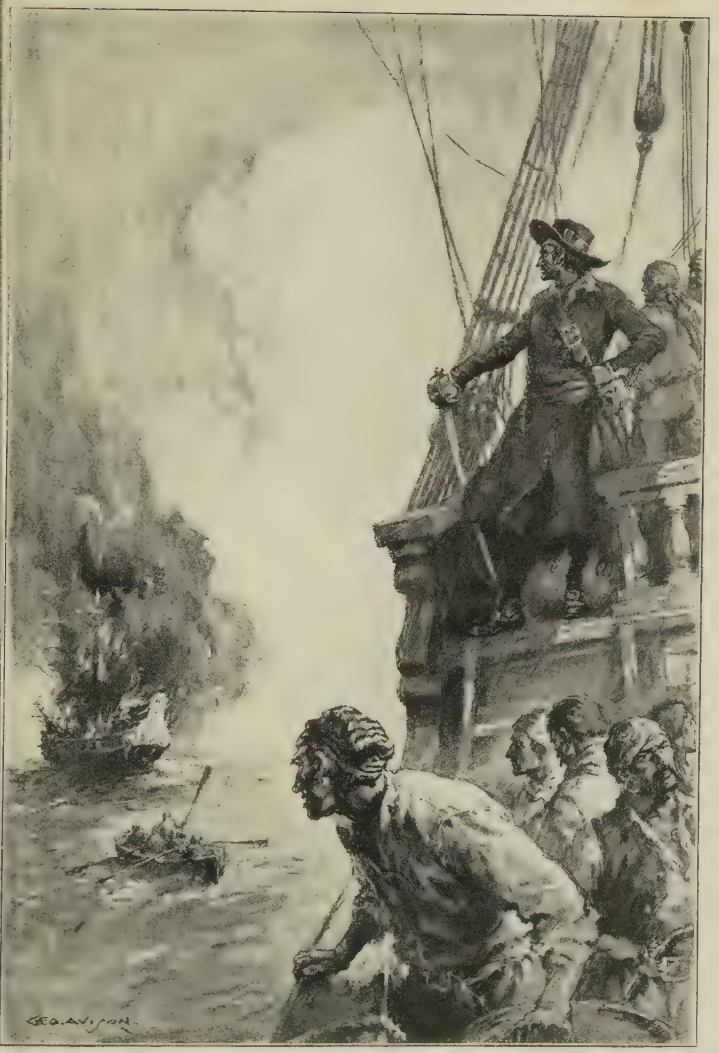
Kidd was still playing his strange double game. He was acting the part of an English officer taking in a suspect enemy ship. The farce of the crew's conference was a by-play to divert the Armenians' clamor from one to many heads, and perhaps to show the incorruptibility of these patriotic British seamen.

That done, they appraised their garnerings

and shouted with joy when it was discovered that they had found nearly ten thousand pounds' worth of valuables. In our money it is difficult to estimate just what the amount would be now, but certainly an extraordinary fortune.

Not only that but here was a good seaworthy, commodious ship of very great value herself. All hands were called from the old *Adventure;* pitch barrels were staved in and kicked about her decks, and she went up to the coppery Indian sky in great festoons of smoke.

The *Quedagh Merchant* swung around, her decks now congested with the whole crew of the destroyed *Adventure* and into her compass box peering the firm hard face of William Kidd, mariner, of London, trusty and well-beloved.



She went up to the coppery Indian sky in great festoons of smoke. *Page* 38.

VI

Now, the big question before the house was to dispose of the cargo of the *Quedagh Merchant* to the best profit. To get the officers of the ship and the clamant Armenians out of the way Kidd put them ashore, supposing that that was the last he would see of them. In this he was mistaken.

He stood away in the general direction of Madagascar. But on the way there he touched at one port and another where he entered into vigorous bargaining. He had in view the turning of the *Quedagh Merchant's* cargo into coin, and seems to have managed this quite adroitly. There being no telegraphs or cables the outraged charterers could not, of course, catch up with him. Probably he was suspected but nobody cared very much; there the goods were and sellers who were sharp but not too close.

Their merchanting was interrupted long enough to pick up a Portuguese who got in their way, and once again there was a surplus of butter aboard. At that the pick-up brought them some five hundred pounds, — not too miserable a sum in those days or, for that matter, in any day.

Thus keeping an eye to business in both direc-

tions, trade and theft, they beat down to Madagascar, probably their principal market.

In this place Kidd was to encounter a veritable pirate, the very chap for whom the Admiralty had commissioned him to look. The story of this contact is quaint.

When the *Quedagh Merchant* dropped anchor in the channel, a canoe was seen putting out from the shore, manned by white men. As Kidd, leaning over the side, watched this craft paddling swiftly over the blue, languid waters, he thought some of the faces in it were not altogether unfamiliar. He became certain of this when a motley gang tumbled up the rope ladder and stood on the deck before him, awkwardly twisting their hats in their hands, and saluting by a drag at their long, unkempt forelocks. Why, to be sure, they were New Yorkers, old salts known to Kidd in prior and more respectable years. Well, what did they want?

"Cap'n," began the spokesman, reluctantly stepping a little forward from his fellows, "Cap'n, how d'ye do, sir? You remember us, Cap'n, don't ye; all good sailor-men from New York? Some of us fought the French under ye, Cap'n, sir, in the West Indies."

Kidd nodded.

"Well?"

There was a heavy silence. The newcomers looked around them, and somehow took a little heart from a something in the attitudes and man-

ner of the men under their old acquaintance's command. Things just didn't look like a reputable king's ship on the king's business.

" You be come to hang us all, Cap'n " blurted the speaker. " We've heered you got the king's commission to take pirates. Maybe we've fell into a loose step or two, but we aren't regular robbers. Cap'n, give us a chance, and we'll uncover a nest of the kind you're alooking for."

He pointed a long finger toward the wooded shore.

" See that ship, Cap'n? That's the *Resolution,* Culliford, skipper, and one o' the hardest ships in these parts."

Kidd turned and gave a long look at the rakish *Resolution,* from this distance even, a vessel evidently of speed and unlawful purpose.

" I'll go back with you," declared Kidd, briskly.

They all returned to the canoe and set off for the *Resolution.* The delegation must have been astonished at the audacity of Kidd's returning with them to a known pirate, with a commission in his pocket to hang the crew of the *Resolution* if necessary, and returning at that with absolutely no protection. They had always known this man for a queer one.

Just as coolly as if he were mounting his own proper ship, Kidd stepped on to the decks of the *Resolution.* The rowers joined their mates in the waist of the vessel and pointed with thick

thumbs as Kidd ascended to the quarter-deck, where Captain Culliford, as much puzzled as any one, shuffled forward in his slippers to do the honors. All about went the whisper that the king's man, with power of death, had come amid them.

Kidd and Culliford shook hands and presently sat down together under a sail stretched as an awning against the beating sun. All hands breathed just a wee bit easier. Pretty soon they heard Culliford crying to his negro servant for the materials of "Bomboo." The strain slackened noticeably. Their captain was a match for the king's man. If they had got to "Bomboo" things might yet be well.

Taking the sugar and limes and dark thick bottle the servant had brought to him, Culliford himself, as a gracious host, prepared the drinks. The crew from the forecastle and waist watched until both the august noses were buried in the mugs and then knew that all would be well.

All was, indeed, very well. Up there on the quarter-deck the two skippers were laughing loudly. Said Kidd, as the Bomboo moved within him:

"Harm you, Culliford! Why, man, I'd see my soul fry in —— before I'd harm you."

We have said the captain was a great hand at picture words — he could use them even in a sociable way. One thing led to another, the cordiality increased, and when at length Kidd

walked a little jiggingly to the canoe he was laden with a very considerable gift of silks from the treasure chest of the *Resolution*. He sent back the canoe with an equal present of shirting stuff, and more, much more than that in view of his commission, the next day he supplied Culliford with two guns.

Now, that was the extreme of disloyalty. Not only not to apprehend the piratical Culliford — that was inexcusable — but actually to make him more efficient in his plundering work was simply intolerable. If by some clairvoyance, his Britannic Majesty's Admiralty could have seen this horrid transaction, the very building itself must have tremored.

It may be that Kidd here was acting according to a policy to which the logic of circumstances had compelled him. As soon as the canoe from the *Resolution* came to him, he discovered that his arrival had been a considerable shock to the sailing community of Madagascar. Gossip flies about a port as quickly as about a street. Two things, therefore, presented themselves for his choice; he must either engage the pirates in action or reassure them by companioning with them. Madagascar was to be the last big chance to clean up the balance of the *Quedagh Merchant's* cargo, the final market. As a king's man he could not remain there indefinitely without expecting to be attacked by a combination of lawless men, who saw in him only the king's

authority and punitive power. Whether this thought particularly directed him or not, his visit to Culliford, one of the leading pirate commanders there, was undoubtedly in the way of appeasement, and not the mere fraternizing of colleagues.

This situation being smoothed out, Kidd went seriously to work to sell his wares. According to the chronology of the record, this could not have taken a very great while.

And now the day for which they all had longed came. Outside of the cabin which Kidd, commander-like, always reserved to himself, a long queue was formed that ended in a jostling knot beneath the poop. Pay day had come, and mirth bubbled without restraint.

On the cabin table were piled over one hundred heaps of coin. Stowed away in a locker were the forty shares for the ship. Kidd stood at the table, a great pistol lying suggestively at hand in case of too much excitement, and by the door his personal servant, Richard Barlicorn, kept a kind of order.

One by one the crew came in and each swept into his hat the share allotted him, and with a grin and a duck of the head hastened out to the sunshine, to watch with gleaming eyes the enchanting sparkle of the greatest fortune that had ever come to him in the hard and sorrowful farming of the sea.

Everything was square and above board.

Kidd had kept his florid promise to ballast the ship with gold and silver, and the workman had received his agreed hire.

It must have been a great day for Bomboo.

VII

While Kidd was fraternizing with pirates and turning the *Quedagh Merchant's* crago into gold at Madagascar, the solemn and serious gentlemen of the British Admiralty heard with pained disappointment how their trusty and well-beloved mariner was behaving himself in the distant seas. They saw gloomily that another experiment in the suppression of piracy had fizzled out, and that the private ship of war was not an approved instrument of police work. That method having been quite the opposite of successful, they ponderously planned another which, in the event — though we will not be concerned to follow it — was to prove if anything still less effective.

Their plan might as well be set in their own peculiar language, and showing that oddity of punctuation which made a state paper of this sort three enormous, mountainous sentences:

" By the king, a proclamation.
William R.

Whereas we being informed, by the frequent complaints of our good subjects trading to the East Indies, of several wicked practises committed on those seas, as well upon our own sub-

jects as those of our allies, have therefore thought fit (for the security of the trade of those countries, by an utter extirpation of the pirates in all parts eastward of the Cape of Good Hope, as well beyond Cape Comorin as on this side of it, unless they shall forthwith surrender themselves, as in hereinafter directed) to send out a squadron of men-of-war, under the command of Captain Thomas Warren.

Now we, to the intent that such who have been guilty of any acts of piracy in those seas, may have notice of our most gracious intention, of extending our royal mercy to such of them as shall surrender themselves, and to cause the severest punishment according to law to be inflicted upon those who shall continue obstinate, have thought fit, by the advice of our privy council, to issue this proclamation; hereby requiring and commanding all persons who have been guilty of any act of piracy, or any ways aiding or assisting therein, in any place eastward of the Cape of Good Hope, to surrender themselves within the several respective times hereinafter limited, unto the said Captain Thomas Warren, and the commander-in-chief of the squadron for the time being, and to Israel Hayes, Peter Dellanoye, and Christopher Pollard, esquires, commissioners appointed by us for the said expedition, or to any three of them, or, in case of death, to the major part of the survivors of them.

And we do hereby declare, that we have been graciously pleased to impower the said Captain

Thomas Warren, and the commander-in-chief of the said squadron for the time being, Israel Hayes, Peter Dellanoye, and Christopher Pollard, esquires, commissioners aforesaid, or any three of them, or in case of death, to the major part of the survivors of them, to give assurance of our most gracious pardon unto all such pirates in the East Indies, viz., all eastward of the Cape of Good Hope, who shall surrender themselves for piracies or robberies committed by them upon sea or land; except, nevertheless, such as they shall commit in any place whatsoever after notice of our grace and favor hereby declared; and also excepting all such piracies and robberies as shall be committed from the Cape of Good Hope eastward, to the longitude or meridian of Socatora, after the last day of April, 1699, and in any place from the longitude or meridian of Socatora eastward, to the longitude or meridian of Cape Comorin, after the last day of June, 1699, and in any place whatsoever eastward of Cape Comorin after the last day of July, 1699; and also excepting Henry Every, alias Bridgman, and William Kidd.

Given at our court at Kensington, the 8th day of December, 1698, in the 10th year of our reign. God save the King."

Such was the confession of the impotency of the British authority to clear the seas of the East Indies.

William Kidd, it is to be noticed, is no longer the trusty and well-beloved; he is quite in the

outermost dark, coupled with Henry Avery, or Every, for whom no royal mercy was to exert its gentle and benign qualities. It would seem fair enough considering the well-beloved's flippant attitude toward the king's commission.

The proclamation is an exact document of specific effect. There is nothing ambiguous in its terms. This definiteness became extremely important to some of Kidd's crew when they stood in the somber shadow of the gallows.

The meat of the matter was that all East Indian pirates who before April, June or July, 1699, according to certain geographical boundaries, should give themselves up to four particular persons, Warren, Hayes, Dellanoye and Pollard, were to be admonished and forgiven, — all, that is, except Avery and Kidd.

With a bale of printed proclamations Captain Warren and the three gentlemen commissioners departed for the Indies. It does look rather an absurd mission from our point of view. Authority thus said in effect to the outlaw folk: We can't catch you so we will forgive you. Laughter loud and long rose from piraty throats from Madagascar to the Gulf of Aden when Captain Warren passed hither and thither, tacking up the pretty sheets of paper. It was the ultimate good joke on government.

Yet not all the lawless ones grinned and went on plundering. It would seem that the jolly Culliford, he of the *Resolution* and the artful

mixer of Bomboo, saw his chance to mend his ways and put himself in the hands of the commissioners. By a sort of coincidence he who had lain at Madagascar with Kidd, with Kidd later groaned in the cells of Newgate, though he probably effected his discharge by virtue of the proclamation.

Just where and when the proclamation came to the notice of Kidd's company is uncertain; that it did, however, will shortly appear.

VIII

Pardon or no pardon, proclamation or no proclamation, Captain Kidd was bound to go home. He had finished with piracy, at least in the East Indies.

His active operations had barely filled out six months. His bold attack on the Mocca Fleet befell on the 14th of August, 1697; in January, 1698, he grabbed the *Quedagh Merchant,* loitered down the coast in her, trading here and there, and about the opening of May of the same year came to Madagascar, having picked up a wandering Portuguese on the way. August, then, to January, really saw Kidd's work, and it was in that comparatively short time that he acquired an extraordinary and permanent notoriety.

Yet with the exception of the slaying of Gunner Moore he had committed no act which to-day would be a capital offense; the matter of the ship's cooper and the native is all too modern in tone. Undoubtedly, the notice which Kidd attracted was because of the connection of Bellamont and certain other nobles with the inception of the enterprise, their political enemies now making gain of their predicament and flooding

the town with pamphlets wherein, as part of the game, Kidd took on the lineaments of a sea-monster. Beyond an uncommon boldness, there was nothing in the crimes he committed to foundation such a popular clamor as rose about his name in England.

Those few months of effort, however, had been very profitable. Contemporaries put the extreme value on the *Quedagh Merchant's* cargo at twelve thousand pounds, — an exaggeration, the probable figure being about nine thousand. Of this, on the forty-share basis together with all he could deduct as charges for supplies and ammunition, Kidd must have obtained some thirty per cent. Not only that, but it appears from the remarks of one of his crew on the trial that the captain by some device or other took back this man's share, and if this man's probably others.

There was a fat three thousand pounds out of this venture; in addition there must be remembered the value of the smaller pick-ups he had made, so that one way and other, with goods and money the captain must have concluded his enterprise with a good five thousand pounds, — about twenty thousand dollars, and in the values of the present day a very decent fortune indeed. On top of all that he had the ship herself, which was then valued at four hundred pounds, or two thousand dollars.

To-day one could hardly get a good halibut boat for two thousand dollars, so you can get an

inkling of what the sum of his gains would have meant in these times. On the other hand, some of the articles are cheaper now than they were then, as for instance calico, of which he made a good haul. This money is what makes up the bulk of the so-called Captain Kidd's treasure, which fancy has so vividly exaggerated.

Robbing merchant ships as he was, all he obtained was mostly merchandise, largely perishable and hence to be disposed of quickly. To imagine these vessels as carrying unique articles of gold and silverware or pearls and jewels of great price is to be away off the road of historic fact.

For instance, here is a general list of the property that fell into his hands: Opium, sugar, raw silk, calico, muslin, rice, beeswax, butter, iron, horses, quilts, sugar-candy, tobacco, and similar sundries. Eatables such as butter and sugar and so on were shared among the ship's messes; the rest were sold wherever a buyer could be found.

Fighting and taking ships were really incidental labors for these pirates. There was a great amount of hard, plain stevedore work to be done, shifting these cargoes from ship to ship and from ship to shore. From August onward there was little loafing indulged in. What with working the ship, sometimes two of them, sorting and arranging cargoes, the sailors were at it constantly, while we must imagine the captain enmeshed

in the ardor of close bookkeeping long after the lantern had been set up in the stern.

In all of the record of the proceedings in the Old Bailey there is nothing said of any one being killed in combat, either with the capture of ships or the engagement with the Portuguese man-of-war, on either side.

And now the captain was content. Save for the complaint of Darby Mullins that the captain took his share away from him, the crew also seem to have been satisfied. After the division Kidd let it become known that he was leaving the way of the law-breaker, and, according to his own account, ninety-five men thereupon left him, almost in a body. Incidental attrition later on took more of them, and when at last he turned the nose of the *Quedagh Merchant* homeward barely enough men remained with him to work the ship.

IX

Although Kidd arrived at Madagascar in May of 1698 it was not until the turn of the next year, and probably well into that year before he set sail on his stolen ship for home. It must have taken him quite a time to be rid of his merchandise and to pay off his men. After that, short-handed as he was, he seems to have attempted no recorded piracy.

It is quite possible that while he still lay in the Mozambique Channel, Warren and the three benign peace-bearing commissioners came around the Cape and up the coast, and that before he left those waters he was acquainted with the character of the royal proclamation. Or it may have been that it was after his return to New York that Kidd first learned that he was a marked man.

In June of 1699, after an absence of a little more than two years, Captain Kidd arrived in Delaware Bay. But not in the *Adventure* and not in the *Quedagh Merchant.* He came in a little sloop, with a crew of about thirty-five men on her articles, named the *St. Antonio.* What had become of the *Quedagh Merchant?*

That ill-fortuned ship was snugly stowed and secreted away in a solitary creek of the West

Indies. There he had hidden her until such time as he could return and bring her out; that means, until the storm of which he must have felt the first blowings at the West Indies, if not at Madagascar, had passed over. He brought back with him of the old *Adventure's* personnel barely one-fourth, probably not more than twenty-five or thirty men. One man, Hugh Parrot, who came in the *St. Antonio* we know from his own account was recruited in Madagascar and replaced an original adventurer. So it must have been with others.

Hugh Parrot's brief autobiography as he gave it to the court may be glanced here as typical of the sea folk who homed in Madagascar. He said he " sailed out of Plymouth in the year 1695 in a merchantman, bound for Cork, in Ireland, there to take in provisions; thence to the Island of Barbados; and in sight of the island of Barbados I was taken by a French privateer, and carried to Martinico; and thence coming in a transport ship I was brought to Barbados; there I shipped myself in a vessel bound for Newfoundland, and thence to Madeiras; and then I went to Madagascar, and there I staid some short time after, and came in company with Captain Kidd; and then the commander and I had a falling out, and so I went ashore at that island. And understanding that Captain Kidd had a commission from the king, I came aboard Captain Kidd's ship."

Romantic words — " I came aboard Captain

Kidd's ship." How they quicken the pulse of old, sober-sided fellows such as we are. Suppose we had sauntered about old New York and had read his appeal for men to go off to the Indies? Or been in Madagascar and had a " falling-out " with some blockhead of an old merchant skipper, and seen Kidd and his bully boys swagger by? Eh?

Delaware Bay did not detain Kidd long. He slipped the little *St. Antonio* out of there and put in at Oyster Bay, from which he now began the most difficult job of his life, — to rehabilitate himself and yet come out of it all a rich man.

He and the remnant of his crew flocked openly about the old town. Governor Bellamont was off in Boston. And now Kidd began to get the full blast of his unsought notoriety. He was told that the mother country and the colonies, yea, even the seven seas were vibrant with the name of Kidd; that, in the language of that day, he was everywhere " published a pirate ", for whom there was no day of grace or pardon.

Quite in the spirit of New York pirates, ancient and modern, he sought out an adroit lawyer, one Emmott, a man then at the head of his profession, as the saying is, though that did not mean, any more than it does now, that he shone by the purity of his principles, the breadth of his learning, or the transparent propriety of his manners. Pirates can't use that kind of lawyer. Seriously, we do not reflect on Mr. Emmott indi-

vidually; we know nothing of his morals, and he was indisputably a leader of his bar, appearing in the most important litigation of his time. Whatever his character, he engaged himself to assist the projects of Captain Kidd.

X

Boston was having a hot summer. The noble governor was taking the air, such as there was, with his wig laid off for coolness, and his decorated coat carelessly open. No doubt he gazed at the dusty road, the blistered frame buildings and longed for the temperate downs of Ireland and the fresh, green lawns of his ancestral mansion. How afflicting that a noble earl should be subjected to heat and cold just like a wretched porter!

The entrance of a negro servitor to announce a visitor did not refresh the excellency. Just then the last man he wanted to see was he whose name had been brought in. The governor and lawyer Emmott did not get along together very well. It is not hard to understand the tribulation of a ruler whose technical knowledge of the art of government was probably weak, at the hands of a turbulent, sharp and well-informed colonial attorney, — the intelligent, persistent and irritating mouthpiece of the perpetual discontent of the colony.

Whether he would or no, it was Emmott who was without, soliciting audience. He was ordered admitted. One simply can not turn the Emmotts away, especially when one is a gover-

nor; somehow such fellows seem to have an impish art of getting the gubernatorial attention whenever their cheekiness suggests it to them.

Imagination may perhaps reconstruct the interesting interview.

Enters Lawyer Emmott, his bright eye appraising at once the mood of the man in the seat of authority. But Emmott is not half-saucy now; in this matter he is not backed by the sturdy burghers and supported by a law whose exact application he thoroughly knows, while as thoroughly knowing the glazed ignorance of his opponent. He is now after a private fee in the service of a private client. His tune, therefore, is somewhat different.

With a bow and a most respectful attitude the lawyer carefully unwraps a package which he has brought with him. From this he seems to take a ball of snow, which, with a most insinuating smile, he shakes with a twist of his hand and which before the astonished Bellamont, cascades over the back of a chair as a shawl of the rarest workmanship and material.

"A present for Lady Bellamont," says Emmott, with another obeisance.

What can be the fellow's game now? Bellamont rose and walking across the room, allowed the shimmering texture to ripple through his fingers.

"A present for Lady Bellamont — " It is a wonderful thing; Bellamont can see that.

Emmott steps up as close as politeness permits and glancing about, artfully whispers, "From Captain Kidd," and throws his head back with a wide smile like a doting parent playing the rôle of Santa Claus.

"Kidd!" cries the earl. "Kidd!"

Yes, the old partner of Bellamont, Livingston and Company had turned up. All sorts of notions chase themselves through the governor's brain like hare and hounds, and chiefly he is afraid; he fears this notorious colleague of his has shown up to be the ruin of them all. Why on earth didn't the fellow stay out in the East Indies. To Emmott this is as plain as the ripple on a smooth pool of water.

He rubs his hands one over the knuckles of the other and looks all sorts of meanings.

"An incredibly prosperous voyage," he murmurs, "incredibly. A mere trifle — the captain wishes to send Lady Bellamont something really worth while."

He almost sneers at the magnificent shawl.

The governor sits down and gazes out over the harbor. Now, it is probable that if the notorious partner had shown up with nothing but a story of hard luck, the governor would not have sat down in just the way he does; but a partner coming back, even with a sooty reputation, but stuffed with treasure, well, one must think the matter out. There was one's original investment in the old *Adventure* to be protected, one must remember.

Emmott continues:

"The captain feels deeply chagrined to find this unjust hue and cry made about him. It is a great mistake. He can explain all; and he suggests that the governor see that this irritating matter of the piracy charge is disposed of so that they can proceed to an accounting as all good partners should. Really, he has been absurdly fortunate in his East Indian enterprise."

They talk the thing over indecisively and without committal on either side, and the outcome of it is that the governor decides that he will see his errant and erstwhile partner in person. With this decision Lawyer Emmott backs out of the room and hies back to New York. So far so good.

XI

Before going to Boston to see Bellamont, Kidd did that which has somehow so caught the imagination of artists and fictionists; he ran the sloop over to Gardiner's Island, at the east end of Long Island Sound and there buried a considerable portion of his money and finer articles of plunder. Hence arose the great yarn of the pirate's buried treasure. Like all the rest of Kidd's doings this is wildly exaggerated. What was there was all practically recovered by the colonial authorities. Yet the myth persisted for centuries.

A writer who considered himself conservative speaks of Kidd bringing home twelve thousand pounds. This is a modern computation, but it does not agree with our figures. With all his scheming the captain's subordinates got more than half of the takings, and if Kidd got twelve thousand pounds it would mean that in all thirty or forty thousand pounds were gained by those few months' work in the Indian seas.

It is all way beyond the facts. Admittedly, the *Quedagh Merchant* was the one considerable haul and according to the valuation of the government at that time, ship and cargo all told were not worth more than five thousand pounds. A

recent writer even represents the *Quedagh Merchant* alone as being of the value of thirty thousand pounds! In the indictment upon which Kidd was tried, that ship is said to be worth four hundred pounds, which is more like it. The captain did very well, as we have said, if he came home with a good five thousand pounds.

As well as communicating with Bellamont, Kidd put himself in touch with his other partner, Colonel Livingston, and the colonel became very much excited over the prospect of cutting a pretty fine little melon. If the *Quedagh Merchant,* a respectable and capacious cargo vessel, cost four hundred pounds, the *Adventure,* a "crazy and leaky" craft, really not fit for the patrol work intended for her, could not have run her owners more than three hundred pounds. Arms and victuals dug deeply into the original capital, but with it all, the enterprise had doubtless earned several hundred per cent.

And if, instead of four or five men sitting in at the division, two or three, or better one or two shared the pot, why so much the better for the lucky one or two. That notion occurred to Livingston, to Bellamont and to Kidd.

So the captain went on to Boston and some of his men with him.

Bellamont, in the meantime, had been obliged to call the council together to discuss the fact that a lawbreaker was at large and unaccounted for. It was a formality the earl had to observe to pre-

serve the pure bloom of his own official reputation. With the power that was then vested in governors, the council meeting need have been no great difficulty in the way of an arrangement between friends.

Just what happened in the interview between Kidd and Bellamont is not recorded, but they began to dicker. All the pirates were quite at liberty, making themselves thoroughly at home and with all the air of honest sailors returned to spend their money and take a respite from the arduous sea.

Suddenly the wind changed. Why it so did we can only conjecture. But a letter from Bellamont is preserved in which he remarks that at about this time Livingston and Kidd were acting very " impertinently " about the money and valuables that Kidd had brought home.

Does " impertinently " mean that Bellamont suspected that his two partners were conspiring to deprive him of his share? That might well be. However, it is not fair to insinuate the governor was remiss in discharging his duties as a magistrate on the skimpy chronicle which has come down to us. We can say, however, that, so far as we can make out, he did not act with that decision which the crimes charged against Kidd would seem to require. This dallying about and questioning, privately and before the council, permit implications that the governor may or

may not be actually responsible for. The whole affair does not look regular.

Then, again, Bellamont, who was sharp enough for most general affairs, could plan something like this: throw Kidd into jail, thus clearing himself of the talk of complicity which had been gathering since his connection with the pirate had become known, send him home to England for trial, and with him out of the way, attend to the matter of the loot, against which he could make a claim by virtue of the original commission to Kidd, supported by the political strength which he and his noble friends at home could exert.

Whatever might be the fact, the governor's equivocal conduct stopped with the discovery of Livingston and Kidd's "impertinence" in the affair of the spoils, and Kidd, with all of his crew who could be grabbed, were stowed away in Boston jail. Before that happened a number of his men had slipped across to the Province of Jersey and surrendered to Colonel Bass, the governor, in the spirit of the king's proclamation, within the time therein provided, but to none of the persons therein particularly named as empowered to receive such surrenders.

In December, 1699, the pirates were sent to England in the frigate *Advice,* and on May 9, 1701, just about five years after leaving Plymouth, they went to trial for their lives in the historic Old Bailey.

XII

Captain Kidd and nine of his men arrived in Newgate gaol from the colony in February of 1700, and lay there for over a year until their trial. These nine men were those who surrendered to Colonel Bass, governor of what is now New Jersey. What disposition was made of the rest of those who came in on the *St. Antonio* does not appear.

Kidd's arrival brought to a focus a sharp and unsparing struggle between the two great political factions of the day, and the Government was rocked in its seat by the exposures which were made of Bellamont and other friends of the administration's connection with the pirate who was talked of from Land's End to John O'Groat's. During 1700 Kidd appeared several times before the House of Commons, and a contest was waged in that forum over his reputed treasure. A measure was introduced by the opposition providing that the commission to Kidd to take pirates and keep their effects and plunder should be illegal as void, and was lost by only a thin majority.

From this it may be supposed that Bellamont and the partners got hold of the swag. Not that

it did the noble earl much good, for he died at about this time. However, the commissioning of the *Adventure* did not prove such a gain to the opposition as it hoped, and the matter was allowed to slide when the House recommended Kidd for common criminal trial.

Under modern circumstances, this trial would have been a very close, keen struggle. The accused would have been able to engage the most expert counsel, who might be expected to make the prosecution exert itself in the matter of proving its charges; not an easy thing to do from some angles.

There were five trials upon six indictments, — one for the murder of Gunner Moore and five for acts of piracy. Kidd was alone, of course, in the trial for murder; on the charges of piracy, he was in the dock with his nine seamen.

The murder trial should be carefully noticed, in view of the modern vogue for exonerating Kidd of all guilty acts in the Indies. Those who attempt to show that Kidd was " judicially murdered," as the result of a political plot carried on by factions opposed to the noble gentlemen who backed the Kidd enterprise, must prove this murder trial to have been unfair, for if it were not, then Kidd was liable to the death penalty regardless of the crimes of piracy.

To clear himself, Kidd called three of his own men in an effort to show that he slew Moore as Moore was in the act of leading a mutiny; in

other words, what we would call justifiable homicide. But his own witnesses proved that the mutiny concerning the *Loyal Captain* occurred from two to four weeks before the death of the gunner — a fact which in modern law would have sufficed to convict Kidd — there being no "immediate" emergency, as our statutes would say. No modern court would upset the verdict of the jury who tried Kidd for murder, on the ground that it was not supported by the evidence.

With the bewhiskered seafarers in the dock before him, the clerk of arraignments of the Old Bailey arose and hurled eighty clauses at the accused, eighty or more clauses, with no longer pause between them than a semicolon. It may be submitted that this is no fair way to come at a man whose method of combat is entirely different; who thrusts, for instance, with a cutlass instead of a verb; hurls round-shot in place of mere nouns, with a wooden bucket, say, for purposes of punctuation. A fine fellow this clerk of arraignments with his wig and gown and fat, subservient baliffs about him! But put him on the tipsy decks of the *Adventure,* and, mark'ee, that would be another story. So, perhaps, the captain thought, as he stood up before this broadside of words.

If English justice is swift in these days, it must have been greased lightning in the days of William III. Half an hour after the grand jury met and returned the indictments, Kidd went to

trial before the petit jury, and three days sufficed for all five indictments.

A battery of prosecutors shelled the accused. The crown was represented by Mr. Knapp, Dr. Newton, Advocate of the Admiralty; Sir John Hawles, Sir Salathiel Lovell, Recorder; the Solicitor General and the Attorney General. On the bench, sometimes ably assisting the prosecution, were Baron Gould, Baron Hatsell; Justice Turton, Justice Powel and Chief Baron Ward, who divided the job of presiding in groups of judges.

Now, in those days one accused of crime was not allowed the assistance of counsel on matters of fact. On a pure question of law he was permitted to consult a lawyer. This was just the opposite of what, according to a more enlightened jurisprudence, it should have been. Perhaps the extraordinary importance of the real science of evidence had not occurred to our forefathers. Great injustice was the result of thus handicapping a defendant. Kidd and his nine colleagues had to carry the big job of defense unadvised.

The state used just two witnesses, Palmer and Bradinham, both old Kidd men who were turned king's evidence. Palmer had been a common seaman on the *Adventure* and was called by Kidd a "loggerhead"; Bradinham had been surgeon aboard, and was accused by Kidd of being a lazy, thieving, perjured rascal. Every man was run-

ning for his own neck then, and no one could afford to be too particular as to how he saved it.

All of the piracies we have set down, as well as the murder of Moore, came from the evidence of Palmer and Bradinham, somewhat corroborated by the expressions of the nine sailors who were not delicate to save their commander in this pinch.

No time was lost in getting a jury. When Kidd objected to being tried by those who had convicted him of the murder of William Moore, on his other trials for piracy, they were cleared out of the box and another jury promptly put in. It all went at a gallop. The jury in the murder case brought in their verdict while the first trial for piracy was in process; it took half an hour each for the jury to render their verdict on the piracy indictments. The lengthy speeches of the learned gentlemen for the Crown took up as much time as anything, with the summing-up by the judges a good second.

It must have been a great day for Cogi Baba, the Armenian, and one of the owners of the *Quedagh Merchant,* who appeared in London at this time to push the punishment of his despoiler. Yet he was not used at the trials, — a noteworthy omission.

Palmer and Bradinham were subjected to no cross-examination save that of Kidd. They were somewhat mixed up on their dates and the cap-

tain made the most of this, but on the whole his questioning must be regarded as quibbling.

Things looked dark for Kidd and his defense did not cast very much light upon the situation.

XIII

Kidd's defense may be pieced together from his own words as they appeared, not as an orderly presentation of his position, but as comments upon the answers of the witnesses and interjected explanations during the proceedings. It was not without ingenuity.

"I had a commission," he said in effect, "to take the French and pirates; and in order to do that I came up with two ships that had French passes both of them. I called all the men a-deck to consult, and a great many went aboard the *Quedagh Merchant*. I would have given that ship to Cogi Baba again, but the men would not; they all voted against it. They said, we will make a prize of her; we will carry her to Madagascar. Palmer and Bradinham have heard me speak of the French passes taken from the ships. The *Quedagh Merchant* was under a French commission. Her master was a tavern-keeper at Surat. I was not at the sharing of the goods taken from her; I know nothing of it.

"I did not take Culliford because a great many of my men went ashore; the statement that I gave him guns and presents is only what these witnesses say. I was not aboard Culliford's ship.

I have some papers, but my lord Bellamont keeps them from me; that I can not bring them before the court. I never designed to keep more company with Captain Culliford than with Captain Warren. I have many papers for my defense if I could have had them; my French passes which my lord Bellamont has. I could not condemn the ships according to law because of the mutiny in my ship. Bradinham is a rogue; he shared in the goods and robbed the surgeon's chest. He knows nothing of these things; he used to sleep five or six months together in the hold.

"The men took the goods of all the ships taken, and did what they pleased with them. I was never near them. They lay in wait for me to kill me. They took away what they pleased and went to the island; and I, with about forty men, was left in the ship and we might go whither we pleased. I will not ask the witness any more questions; so long as he swears it our words or oaths can not be taken. Palmer is a loggerhead. Ninety-five men deserted my ship, and went a-roguing afterwards.

"I was threatened to be shot in the cabin if I would not go along with the villains. This was the reason I could not come home. They tried to burn my ship. When they deserted, I was forced to stay by myself and pick up here a man and there a man to carry her home. Mr. Bradinham is promised his life to take away mine. It is hard that a couple of rascals should take away the

king's subjects' lives; they are a couple of rogues and rascals. It signifies nothing for me to ask them anything. They have perjured themselves in many things; about the guns given to Culliford, that is one thing; he swore I gave them four guns yesterday, now he says but two. Then he says the ship went from Plymouth the beginning of May and before he said it was in April. I have been sworn against by perjured and wicked people."

By way of defense to the murder charge, he alleged that there was a mutiny on board, of which Moore was a leader, and the trouble ensued from that fact. He is borne out in this to some extent by Hugh Parrot, not a friendly witness, who averred that the seamen had taken up arms against their captain in the *Loyal Captain* crisis.

He called a couple of old salts as character witnesses who had fought by his side against the French and who testified that he had been a doughty man.

As for the nine common seamen, their geese were more quickly cooked. They only defended by pleading that they had surrendered under the king's proclamation, to which the judges replied that inasmuch as they had not given themselves up to Captain Warren, or any of the three special commissioners, they were not within the terms of the instrument, and could only hope their surrender might at this time provoke the king's clemency. Which was but dubious cheer. Three

of them showed they were on board as servants of particular persons and not as sailors working the ship, and these were cleared.

After very short absences the juries at each trial returned verdicts of guilty as charged against all except the three servants.

Thus the Captain Kidd of fiction disappears, but not so completely as those who would have us believe that he was not guilty of piracy at all. His defense suggests a state of things on board his ships which is probably true, but the advantage he might have gained from such a showing is weakened by several circumstances.

The state could have conceded his claim that the ships he took were under French commissions, and they had French passes which were then in the possession of Earl Bellamont in New York. It might even have granted that under the compulsion of his crew he was prevented from bringing them in for condemnation, as required by his commission. Still, the significant thing would remain that he made no attempt to account for his share of the cargoes, which he did not unequivocally deny receiving.

His commission to take pirates required a careful and exact account of every ship captured, her cargo, its value and all other details, to say nothing of French ships, whose condemnation was lifted entirely out of his hands. He did not attempt to explain all these irregularities. We are considering strictly the matter adduced on his

trial. When we go beyond the record of that, and see, as we have, his conduct on his return home, it is clear as daylight that he was exercising over the property taken from the alleged French ships a private ownership entirely incompatible with this defense.

If the *Quedagh Merchant* was under a French pass, as he asserted, then that portion of her cargo which he brought to Oyster Bay in the *St. Antonio* was neither his nor Bellamont's, nor Livingston's, but the Government's. No, the thing doesn't seem to hold water; nobody concerned in the whole affair seems to have been straightforward.

And so, within a week of his conviction, Captain William Kidd was hanged at Execution Dock, on the margin of the Thames, where sailors setting out for the far places of the earth thus received England's farewell admonition that honesty is the best policy.

CHAPTER TWO

BLACK FLAG FROM BOSTON

John Quelch

I

Captain Plowman, of the brig *Charles,* was looking for men, not just for beef at the end of a rope nor a stevedore's back; for sailors, certainly, but something more than sailors—sea-fighters. For a fact, this sort of thing was a little outside the usual jobs of both Captain Plowman and his smart little brig. The brig and her master worked in coastwise trading with an occasional venture to the markets of London. But a civic emergency occasioned by the depredations of French and Spanish war vessels and privateers, long vexing the New England provinces, put a commission instead of a charter party into the hands of Captain Plowman and cutlasses, cannon and round shot in place of goods, wares and merchandise into the hold and on the decks of the *Charles.*

For certain worthy merchants of Boston, indignant at the reprehensible Frenchman and his obnoxious ally and impatient with the slow in-

competence of the Government, clubbed together and bought the *Charles* to refit her as a privateer to go against the enemy. It was a recognized method of taking the law into one's own hands. It must not be thought that this was altogether a sacrifice, motived by the pure principles of patriotism. There was a working chance of shaking something worth while out of a captured Frenchman from which at least current expenses might be paid; but in the main it was a public-spirited thought and should properly have resulted in much happier and more useful action than the peculiar and unforeseeable circumstances which were to allow.

Having the ship, the merchants then procured from Joseph Dudley, her majesty's captain general, governor and commander-in-chief of the province, a lawful commission for Captain Plowman, under and by virtue of which, as the saying was, he set about the business of recruiting the crew. But Plowman was getting along in years and was at that time a pretty sick man. So the business of beating up the sea birds was for the most part done by the mates, or " lieutenants ", as they were called, taking a sort of man-of-war nomenclature, namely John Quelch and Anthony Holding.

John Quelch was an eager, vigorous, adventurous and able young colonial mariner with not a few of the superb qualities of those who were the proper pride of a maritime province. Like

the men of his type and condition, he was quite unafraid of anything that could present itself to one's five senses. When at a later time he said he was not afraid to die and feared only a great God and the hereafter, he was doubtless telling the truth. What spoiled the life of John Quelch was that he did not take these two factors of admitted fear into reckoning until the evil was past mending.

However that may be, the immediate weakness of Quelch was that his mind was a rudder that any hand might steer. Anthony Holding, quite evil, sly and contemptible, designed to be the helmsman who should drive John Quelch on to the rocks of ruin.

Holding and Quelch in due time gathered as ferocious and villainous-looking a gang of ruffians as ever stood on the docks of old Boston. Their subsequent conduct indicates that they must have been about the toughest, hardest crew that an honest master ever piped together for division into watches. If Plowman, gazing from the quarter-deck upon that rabble, felt a premonition of trouble, the event was to justify him.

But those were not days in which the master of a privateer could be squeamish about such matters and get his ship manned. The *Charles* would have rotted at her moorings while she waited for good burghers or the sons of good burghers to come and take her to sea. Mostly the driftwood of society, which instinctively dams

up along a waterfront, could be loaded on to such ships in such times. Anthony Holding, at any rate, pulled at his long mustache and appraised the crowd with satisfaction.

Sea-fighters were all right if you could keep them fighting the other ship. With a hostile craft in front of them there was no trouble about putting the medley of privateersmen at work, and a ship which could provide a good naval battle every morning before breakfast was more likely to be a contented ship than one which loafed a long while between engagements, thus allowing the free gentlemen time to hatch for themselves a little essential excitement. Mutiny was accepted as a passable substitute for battle.

Perhaps Plowman felt more comfortable when he glanced at the rocky features of Quelch and Holding; for if ever there were two men in the right jobs such were they. With iron hands and iron nerves to drive them they could meet any contingency the crowd of subordinates might present. Perhaps Plowman was of the same sort, but he was a sick and aging man. He was in the hands of his lieutenants.

Englishmen of the first or second generation made up the list of seamen; Cæsar-Pompey, Charlie and Mingo, first or second generation Africans, were in command of the galley. Cæsar-Pompey and Charlie were pressed into the service; they had not volunteered to handle the pots and pans of the brig.

They were the slaves of one Colonel Hobbey; and Quelch, finding them on the street, ran them aboard the brig. You see he did not hesitate about small matters. The ship would need cooks, of course, and here were two black fellows who ought to know how to cook even if they did not, so why not ship them? Why worry about the gallant colonel? Worry would be his job when the *Charles* was far at sea.

Thus casually Cæsar-Pompey and Charlie found themselves dedicated to a life on the ocean wave. They were to travel far and see much ere they beheld the good Colonel Hobbey again. Quelch was by way of being something of a crimp.

Cooks and seamen being now on hand, in August, 1703, the brig spread her square sails and drew away from the steaming wharves of Boston toward the cool acres of the ocean. No doubt the worthy merchants and a concourse of citizens cheered her departure; probably there were speeches, and mayhap a town band was on the dock. Anthony Holding especially must have enjoyed these marks of civic appreciation.

According to orders they headed off for Newfoundland; but Plowman, who was still sick, must have left the managing of the ship largely to Quelch, his immediate subordinate. Everything went snappily as with leather throats and fisted hands Quelch and Holding hustled the men into quick, effective action.

When they had been a week out from Boston it was easy to see that the captain was in a bad way. Probably at his command they put in at a way port to obtain medical help. The brig was anchored in the stream, and Quelch went ashore in the boat.

Now among the riffraff aboard there was a handful — a small handful — of the more decent sort of seamen, of whom Pimer and Clifford were representatives. These two began to get anxious about the captain as the afternoon dragged on and no boat, Quelch or doctor returned from the shore. The sick man was groaning all the time and in apparent extremes. Nobody seemed to pay any heed to him; but all afternoon the crew roared and shouted and quarreled over their cards and dice, while aft by the cabin only Holding turned about and about on the deck, his hands behind his back, preoccupied with his thoughts.

It began to strike Pimer and Clifford as odd, to say the least; so toward evening, as the August sun was turning red behind the hills, Pimer and Clifford went to the cabin to give a little human help. As they passed Holding, walking up and down the deck, he looked at them queerly but said nothing.

Clearly, things were not just as they ought to be. In the twilight, startlingly, a rough tongue ordered them away from the cabin. A sentinel was there; Peter Roach stood guard at the cap-

tain's door, armed with a drawn cutlass. Had the skipper directed this?

Then they noticed that the cabin door was bolted from the outside with a marlin-spike thrust through the bolt socket, the bolt itself having long been lost. Obviously this was not the captain's doing.

Pimer and Clifford looked at each other as men do in peril. Something very evil was moving about them. At dark Quelch came back in the boat, and there was a whispering between him and Holding. The ship lights were hung out; and the lantern revealed something of the knobbly, stupid face of Peter Roach, still standing at his sinister watch. No one moved toward the ill-fortuned cabin.

Peter Roach, the sentinel, could not be said to have been a peculiarly sensitive person. Some time later he was to die with as little feeling for himself as he had had for poor Plowman. He was an automaton.

And so this crowd of men lay all about the hot decks, waiting for the captain to die. Those were hard hours for Clifford and Pimer and the one or two other loyal men.

A little before midnight the cries of the sufferer ebbed away, and Peter Roach stolidly left his post and as stolidly grunted a few words at Holding. He and Quelch, taking a lantern, entered the cabin and found that nature had at last

done their job for them: Captain Plowman was dead.

Captain Quelch, now, if you please, by the law and usage of the sea.

Anthony Holding bobbed his tarry pigtail low in grimacing courtesy — place was little to him, power everything. And he was the power on this ship. He ordered the captain's body thrown overboard like so much rubbish. Then he called all hands together in the waist of the brig and openly declared that which undoubtedly he had long secretly prepared for, — piracy. The proposal was acclaimed with a unanimity which indicated premeditation.

It was no time for Pimer or Clifford to talk, though manfully they made an effort at protest with no result but to endanger their own safety. That they were not tossed over the side at once is a marvel. The only question that agitated this bandit conference was where to pirate, one suggesting this field and another that. Somebody, probably Holding, persuaded them that Brazil, then a colony of Portugal, and the South American coast gave the most promise of gain.

This policy and its execution were really masterly. They must have been the products of careful pondering based upon information more or less exact. Consider it geographically. From Cape San Augustine, where Brazil thrusts its elbow into the Atlantic Ocean, away down to Rio de Janeiro is one long, continuous coast line, well

populated even in the early eighteenth century with numerous ports of small and great importance. Starting then at the cape, a pirate need only drop continually down the latitudes, pausing as occasion suggested to pick up prizes, never staying in a vicinity or returning to it to be captured. At Rio, where the cruise was to be finished, swing out far from the coast and make a bee line for home. It was an able plan and strong because so simple.

Holding, or whoever the proponent of the South American cruise might have been, had without question made a close study of the methods of Captain Kidd, hanged some two years before in London. The parallel between the Kidd and Quelch piracies is so exact as to be more than coincidental. Both perverted the use of a commissioned ship; both journeyed thousands of miles to their fields of operation; both sought to make one quick, strong strike at fortune and return to respectability.

Neither Kidd nor Quelch had a notion of being conventional pirates, that is, of infesting some given locality and preying on passing traffic, spending their gains riotously and expecting not to leave the business except perhaps unluckily by way of the king's rope. Kidd had made a fortune which was the talk of the colony; and the incident that he was hanged for it only proved his subsequent mismanagement and did not impugn his actual methods of pirating.

Again, pirates of the type of Kidd and Quelch were attracted by a combination of two favoring factors, — a good sea traffic and a weak land government. In Kidd's case the flourishing Indian commerce was not completely protected by the decaying Mogul Government, while in Quelch's case the merchants of the east coast of South America were considerably ahead of any authority which could guarantee them a peaceful development.

In the middle of November, or just a little more than three months after leaving Boston, the *Charles,* having reeled off three thousand miles of journeying, arrived in the seventh degree, south latitude, off the bold beak of Cape St. Augustine, and hungrily searched the sea for prey.

Quelch was under English colors, and at the ports hereabouts where he made his first stops he gave out that he was cruising against the French and Spanish. That kind of talk kept things clear on shore.

With Quelch was one John Twist, who was either recruited in the neighborhood of St. Augustine or came originally from Boston. John was the ship's "linguister", as the quaint old word was — the interpreter — and he was what army men might call the officer of liaison between the New Englanders and the Portuguese. He was also the pilot in the Brazilian waters, but died before the *Charles* went home, though apparently

not until he had brought her to her extreme southern objective, Rio de Janeiro.

On November fifteenth, after leaving the cape and working slowly southward, a little Portuguese fishing boat was stopped by the pirates as she was slipping into port, and her cargo of fish and salt was quickly tossed over the bulwarks of the *Charles.* Fish and salt do not make any great treasure; in fact, this particular fish and salt were worth about three pounds to Quelch. But it was a little preliminary workout.

Three days later the brig was opposite Pernambuco, where she coolly picked up a small Portuguese vessel of fifteen tons right from under the eyes of the townsfolk. She was stuffed with sugar and molasses to the value of one hundred and fifty pounds. In the modern worth of the pound this would be about six hundred and seventy-five dollars; but it must be noted, of course, that that amount of silver would buy a great deal more in those times than in these.

John Twist persuaded two white men and one negro of the crew of five to sign up with the pirates. Quelch no doubt had the same experience that Kidd had with his original crew; there was a continual attrition by disease or desertion, and the man-power had to be kept up by recruiting so far as possible from captured ships.

Those who did not care to join up with the *Charles* were returned to their boats in most cases and permitted to pass on their way. It was quite

unnecessary for the pirates to kill such as refused to go along with them, for by the time they got back to port and had a chase organized, the *Charles* would be well ahead of them to the south.

The fifteen-ton brig with the sugar and molasses aboard was kept by Quelch and made a " tender ", as he called it, of the *Charles,* and thus created a sort of fleet, with the Boston brig as flagship and John Quelch as admiral.

Latitudes seven and eight degrees south had yielded two victims; November twenty-fourth found them in latitude nine degrees south, and tumbling well around the elbow of Brazil, but still in the vicinity of Cape St. Augustine.

Below the cape they took another Portuguese brig, this time of forty tons. She was on her way from the plantations to Pernambuco, laden with about eight hundred dollars' worth of sugar and molasses. We are vividly reminded of Kidd's first catches, which so often consisted of small sloops carrying butter, coffee and opium.

A cool piece of work was the taking of this ship, impudently accomplished well within sight of land. Quelch, with John Twist, the linguister, at his side, led in the capture, which was made without resistance on the part of the Portuguese. It took two or three days to shift her cargo to the *Charles,* after which she was tossed away like a squeezed lemon to get back to port as best she might. Through Twist Quelch informed these Portuguese that the *Charles* was a French ship

and that the Portuguese, as allies of the English, had fallen on the sad mischances of war. Another trick out of Kidd's bag.

Isaac Johnson, a Dutchman, committed the chief crime on a pirate ship: he talked too much. Somehow or other he told the Portuguese the truth about Quelch. Gunner Moore had met his end at the hands of Captain Kidd because of a fatal flexibility of the lips, and Ike Johnson likewise, though not so severely, was made an example of by the decisive Quelch.

All hands were piped on deck, — not with a boatswain's whistle, however, but by a trumpet loudly sounded by the kidnapped though apparently not disconsolate Cæsar-Pompey, who to the job of cook added that of ship's trumpeter. Johnson was brought forward and tied by the wrists to a grating; and Anthony Holding, with malice aforethought and continuous, laid on Ike's bare back with a rope's end, and thus counseled him as to the wisdom of silence. It was an approved sea fashion of admonition.

December brought them to latitude thirteen degrees south and early presented them with two jars of rum, a little linen and a trifle of earthenware filched from a shallop. This was the smallest sprat that came to their net during the cruise. She was taken by the tender, and, being despoiled, was sent on her way.

The same day the tender took another small Portuguese boat. Both of these takings were

right under the guns of Fort Mora, so close that the flag flying over the fort was clearly discerned. Being a little too close to the fort to run needless risk, Quelch staved in the captured boat and let her gurgle and bubble down into the green Atlantic. Her crew went aboard the *Charles,* perhaps as recruits.

From her they took a quantity of vari-colored silk; and soon the crew of the *Charles* were gallant and picturesque in silk breeches and shirts, — of homemade cut and tailoring, to be sure, but none the less gratifying to the wearers.

The next capture was in latitude thirteen degrees south and below Mora. The busy little tender here grabbed a twenty-ton brig, from which an inconsiderable amount of rice and a negro slave were taken. The negro's name was Joachim; but his captors dubbed him Cuffee and turned him over to Cæsar-Pompey as a flunky. In addition to these there was a young man on board with a canvas bag containing two hundred and fifty dollars in gold coin. The young man was allowed to keep the canvas bag.

After the fashion of the trade, the pirate crew were working on the share basis; that is, after deducting for general expenses, a major part went to Quelch — and of course Holding — and minor parts of the plunder were distributed head for head. All cash taken was put in the keeping of the quartermaster to accumulate for future division; merchandise such as sugar and so on

was probably marketed at way ports and the proceeds put into the treasury, after the manner again of Kidd in the East Indies.

Cuffee, the flunky, not being divisible, was auctioned off at the mast to the highest bidder, who happened to be one Ben Perkins. The price was thrown into the common pot. Cuffee's sale brought a hundred dollars to the cash account.

II

An uneventful run of ten degrees brought the *Charles* and her tender to the twenty-third degree of latitude and the Christmas season of the year. Pretty far south they were by this time. Another of those innumerable little Portuguese brigs here fell into their maw. Although only twenty-five tons burden, her cargo was worth a couple of hundred pounds.

They were off Grande Island at the time, and beating along close to the shore. Rounding the headland, they saw the settlement of Grande Island before them, with a brig or two at anchor in the bay. Upon this Quelch left his flagship and went over to the tender and imprudently struck off for one of these moored brigs.

As the tender got closer, those aboard saw a boat put hurriedly off from the Portuguese brig and make for the town. Apparently the natives had suspected the oncoming tender as promising them no good fortune. Quelch and his men must have grinned at this easy capture, and doubtless wondered why the deserting crew did not scuttle their ship rather than leave her to fall into the hands of this unknown enemy.

Quelch was drawing nigh to his prey when to

his surprise a large, red, stolid face rose, like an early sun, above the bulwarks. One man had evidently remained as a reception committee, and he certainly not a Portuguese.

He claimed to be a Dutchman when the pirates had flocked over the side of his ship and clustered about him, brilliant with their new silk breeches and formidable with an assortment of cutlasses and pistols.

This unconcerned Dutchman seems to have been far from temperamental, and entirely unacquainted with nervousness. He casually spat over the side and asked who they were that thus jumped a fellow's ship. He had no trouble finding folk among the pirates who could palaver enough Dutch to get along with. He added that there was a pretty good gain in the ship, — sugar to the value of one hundred and fifty pounds and gold and silver and Portuguese coins worth about fifty more. It was not his property.

He lolled against the mast, watching with dull eye the transfer of the sugar from the Portuguese to the *Charles,* drawn in closer for that purpose. He noted without a flicker of expression the fine silk breeches of these sailors, and gazed ponderingly down at his own garments of canvas. Silk breeches, eh? He strolled slowly up and down the deck in the hard labor of reflection.

Silk breeches did it. With the last boatload of cargo went the Dutchman. He was made to feel right at home, Quelch seeing his value as a

pilot, an interpreter and an extraordinarily cool hand.

The *Charles* and her tender put out to sea, leaving the little town of Grande Island provender for ten years' wonder. The Dutch recruit had many talks with the men. And all the time he was thinking the new situation through.

He desired to come right down to a definite business basis. He appraised carefully the accumulated plunder and learned of the money holdings of the quartermaster. It would do very well; he too would have a pair of silk breeches. He put in his claim for a full share of everything, past, present and to come.

This demand became the talk of the ships. It grew and grew until it split the harmony of the floating community. At last in a deserted inlet, where the woods ran darkly down to a silver beach, the whole affair was threshed out.

All hands were trumpeted up by him of the ponderous antique titles. The Dutchman stolidly and unmistakably stated his terms. Some spoke in favor of them, others against; and at last a vote for and against was taken. The majority determined that the Dutchman was not entitled to a full share.

He turned a quid of tobacco about in his hairy cheek and gazed up at the sky. He had a trump card to play, and a very firm nerve to cast it. He said his conditions would be met or he would inform against them all. Just whom he would

inform is not apparent; nor is it clear what damage an informer could do to people who robbed right under the guns of forts, and took ships from their anchor within a stone's throw of town.

This Dutchman was either excessively stupid or a man of extraordinary courage. As a sailor he must have seen that the kind of folk he was dealing with were neither timid nor tender; never in all his sea-going years had he looked right in the eyes of just so hard an aggregation as he did then. Yet he stands there quite alone and backs up his claim not by prayer but by threat. It is one of the most curious incidents of the sea.

Of course, a chap like this must be put out of the way. Methods and means were discussed at this same meeting, and once again a vote was taken — this time as to what they should do with the Dutchman. The majority decreed that he should be marooned then and here.

Mr. Dutchman was ordered over the side and into the boat. He was rowed ashore and left with a gun, some powder and shot. He gazed stolidly at the departing boat, his hands deep in his canvas pockets, the twist of tobacco turning around in his cheek. Fair enough; if they couldn't accept a business proposition, why, he couldn't do business with them, and that was all there was to it.

Perhaps a lucky man at that. He didn't get a pair of silk breeches, but neither did he get a hemp necktie.

III

Two miles offshore, a short time out of Spirito Sanctu, and making good way for Rio de Janeiro, her destination, a Portuguese brigantine of fair size and speed was destined to be the choicest prize a gang of New England pirates were to pick up within a thousand-mile cruise. She was to Quelch what the *Quedagh Merchant* had been to Captain Kidd, the crown and climax of his piratical career.

Everything aboard that brigantine was as merry as a wedding bell, as the old saying goes. Besides the crew she had two beautiful and charming passengers, ladies of local importance journeying to Rio on any one of the many errands which attract ladies to the neighboring centers of fashion, whether in France, the East Indies or upon the coast of Brazil. One may imagine how pleasantly the balmy evenings sped away with song and music and the inevitable dance.

And down those watery ways were drawing nigh a brig and tender manned by foreigners, who, could they have visioned the contents of the Portuguese treasure-chest, would have been beside themselves with anticipation.

It was all so easy. The boat of the *Charles*

with ten men pulled over to the Portuguese when they had brought him to a stop. Probably the Portuguese had no idea he was being pirated; he may even have tossed a rope ladder over the bulwarks to assist his enemies aboard.

Over the sides of the pirate ships lounged the New Englanders, casually watching the progress of the robbery. They speculated that here was probably another load of sugar and molasses and coffee. Another dreary job of stevedoring was promised. After all, this pirate business was pretty slow work; meanly paid drudgery it had been for the most part, certainly not worth risking a fellow's neck.

Somebody wigwagged vehemently from the Portuguese. Quelch dropped into the tender's boat to investigate. There were no sounds of fighting; no clamor of struggle; but something material was going on.

He climbed the side of the Portuguese without meeting resistance, was seen to walk about her deck in a deliberate way, then came back over the side and got into his boat, carrying, however, two sacks heavy enough to bring out the cords of his forearms.

In each of those sacks were fifty pounds' weight of gold dust!

Frenzy flamed from the *Charles* to the tender. Men leaped and danced and shouted; and the round, thick rum jar passed merrily from hand to hand. Their fortunes were made!

Yo-ho-ho, for a pirate's life!

So good-natured were the sea bandits that they treated the two Portuguese ladies with urbane consideration and the despoiled crew with tolerance. They kept them all on the *Charles* that night, and with the coming of morning restored them to their ship and bade them be off.

Three days later the quartermaster, the carpenter and the captain, composing a committee on division of profits, ordered a pair of scales set up on the quarter-deck, from which each man had weighed out to him his share of the fascinating dust. Added to that was a neat little bonus of good, hard-ringing Portuguese gold coins, forty-five hundred dollars' worth of which were gathered in from this very profitable find.

Rich with the plucking of the gold bird, the *Charles* and her tender ran rapidly from the stage and stopped nowhere until they were abreast the south end of the Brazilian coast and in the vicinity of Rio de Janeiro.

Quelch was about ready to call it a day. The big scoop had been made, and by this time the coast must have been getting a little warm for him. The alarm was certainly raised; for in the last ship he attacked — a Portuguese two-hundred-tonner carrying hides and other merchandise — he met with his first real fight. This ship did not stop at Quelch's summoning round shot but crowded on sail and made haste to get away, thus showing that Captain Bastian, her master,

had had warning of the character of the New England brig and her tender.

After chasing her for two days the pirates pulled up with her, and the Portuguese, after a sharp trading of shot, gave in. When the pirates gained her deck there was some altercation with Captain Bastian, who was shot down and his body heaved overboard. In the reminiscence of this incident there were several of the rascals who claimed the honor of shooting Bastian, but after a quarrel which nearly came to fighting, Cooper Scudamore — a minor ringleader, it seems — was conceded to be the hero of that black job.

The captors took off hides, tallow and beef and then left the Portuguese. They were ready for home now, and the little tender which had journeyed a thousand miles with them was dismantled and set adrift to float upon some Brazilian beach. The *Charles* swung round and drove northward for Boston, home and — not mother. The end of February, 1704, was when they struck off from the Rio Region, concluding just about three months of active piracy, perhaps three and a half.

It surely looked reckless for Quelch to come back to Boston with the good merchants' brig and with no trophies in his hold of England's enemies but shamefully of England's ally, Portugal. It was as reckless as it looked; but mere recklessness never bothered John Quelch.

Perhaps the yarn that Anthony Holding and he had spun together gave him a confidence that

he would not otherwise have had. It was a plausible thing. All hands were to say that Captain Plowman had died naturally, true only in part; that thereafter while cruising for Frenchmen according to Plowman's commission, now executed by Quelch, they beat down as far as Brazil way.

Here they met with coast Indians who told them that a rich Portuguese brig had been recently wrecked in those parts, from which the Indians had obtained great treasure, of which the gold dust and doubloons on the *Charles* were a part, having been given to Quelch and his men by the pleasant natives, who had little notion of the worth of those things.

There was more than a good chance that the gang could have got away with this story. Nobody could have checked them up, and the incident in itself was not so utterly improbable; a circumstance like that *might* happen in those far-off seas.

The trouble for Quelch was that he carried informers with him all the time and brought them back with him to Boston. Pimer and Clifford and the one or two other loyal men were only waiting their time. And Quelch knew it.

Off the Bermudas, coming home, Quelch called for a journal Pimer was known to be keeping and tore from it five or six leaves containing a record of the various piracies from St. Augustine to Rio. Quelch probably calculated that fear

for their own safety would keep all hands quiet when they reached Boston.

He was wrong. The *Charles* was not long docked after her far-flung cruise when Quelch and a number of the seamen were arrested and the ship appropriated. There can be little question that Pimer and Clifford or one of them hurried to the governor and informed.

The jig was up. Anthony Holding, the evil genius of the adventure, shrewdly packed up his portion of the plunder and fled without waiting for what he no doubt foresaw as inevitable and imminent, the approach of the officers of the law.

Not so with Quelch. No back-alley dodging for him. With all the circumstances of a business man in lawful enterprise he went to the shop of one of the leading jewelers of Boston and there melted down a quantity of Portuguese gold and silver coins. May have been fooling with the jeweler's crucibles when the rough hand of the officer thumped his shoulder.

Captain Kidd was the last of the colonial pirates to be sent home to England for trial. After that the Government authorized such proceedings to be had in the colonies themselves, for the expense of dragging the accused and the witnesses across the Atlantic was too much. On June 13, 1704, Quelch and a group of his pirates were tried for murder and piracy at a " Court of Admiralty held at Boston, in her Majesty's Province

of the Massachusetts-Bay in New England, in America."

Mr. Attorney General of the province, assisted by eminent queen's counselors, carried the prosecution; the defense was borne by the accused themselves with the help of a Mr. Menzies, a lawyer appointed by the court to assist them " in any matters of law." It will be remembered that in those times a defendant in a criminal action was not allowed a lawyer for the purpose of ascertaining the facts of the case but merely to advise on matters of legal practice, whose only job in most cases was to assure the accused that what was being done to them was all according to law.

The indictment was on nine articles or counts, beginning with the death of Captain Plowman and ending with the taking of the Bastian ship off Rio. The death of Plowman was made the fact of the murder charge.

Pimer, Clifford and a fellow named Parrot turned queen's evidence. The feeling of contempt which one seems to have for an informer can not be extended to these men; for their action here was quite consistent with their attitude from the beginning, which, as we have seen, had not been hidden even from the pirates. They never approved the deeds done or pretended they did. These are not your ordinary informers.

We have to take off our hats to lawyer Menzies. He put up a fine fight. He showed himself unafraid of court or council and stuck to his

clients when more politic lawyers would have eased off. Really he beat the prosecution.

It was this way. The commission to this court of admiralty was issued under an act of parliament which provided that its proceedings should be according to what was called the civil law, which was a different procedure from that of ordinary criminal courts, being originally from the old Roman law. Now, by the civil law, in a trial for piracy an accomplice could not be a witness against the accused; and Pimer, Clifford and Parrot were technically accomplices. Menzies had chapter and book for it, too.

Mr. Attorney General floundered back on an act of Henry the Eighth, but if Menzies had had a modern court his point would have stuck. Not that this is a modern principle of law; but a modern court under the same rules as this old court would have held with Menzies. The president of the council, the provincial council constituting this court of admiralty, hemmed and hawed and fudged by.

Menzies was both a lawyer and a man, but he really had no court to try his case in. All the council could see was a case of piracy, and away with technicalities. That would be all right, of course, if technicalities did not exist for the protection of the innocent. Quelch was guilty, no doubt, according to the gossip blowing about Boston, but innocent so far as the court in its particular province was concerned.

Quelch didn't say much. If he had he would not have done himself much good. It is fair to say on behalf of the court that though it erred in admitting Pimer, Clifford and Parrot as witnesses, there was a fair showing of other proof which went to help the State's case, though that does not exonerate the court from the use of improper procedure in the particular which has been shown.

"Guilty," said the council. Cæsar-Pompey and the other negroes were discharged along with the handful of men who showed they had sailed under a sort of compulsion.

Twenty men, including Quelch, were sentenced to die; and of these, six were hanged on "Charles River, Boston side, June 30, 1704." They were John Quelch, John Lambert, Christopher Scudamore (the cooper who boasted of shooting Captain Bastian), John Miller, Erasmus Peterson and Peter Roach (the automaton). The record is silent as to the fate of the remaining fourteen; possibly their sentences were commuted.

The end of the matter is best told by one who saw it.

"On Friday, the 30th of June, 1704, pursuant to orders in the death warrant, the aforesaid pirates were guarded from the prison in Boston, by forty musketeers, constables of the town, the provost-marshal and his officers, with two minis-

ters, who took great pains to prepare them for the last article of their lives. Being allowed to walk on foot through the town, to Scarlet's wharf, where the silver oar being carried before them, they went by water to the place of execution, being crowded and thronged on all sides with multitudes of spectators.

"At the place of execution, they then severally spoke as follows, *viz.:*

"1. Captain John Quelch. The last words he spoke to one of the ministers at his going up the stage, were, 'I am not afraid of death; I am not afraid of the gallows; but I am afraid of what follows; I am afraid of a great God and a judgment to come.'

"But he afterwards seemed to brave it out too much against that fear; also when on the stage, first he pulled off his hat, and bowed to the spectators, and not concerned, nor behaving himself so much like a dying man as some would have done. The ministers had, in the way to his execution, much desired him to glorify God at his death, by bearing a due testimony against the sins that had ruined him, and for the ways of religion which he had much neglected. Yet now being called upon to speak what he had to say, it was but thus much, 'Gentlemen, it is but little I have to speak; what I have to say is this, I desire to be informed for what I am here; I am condemned only upon circumstances; I forgive all the world, so the Lord be merciful to my soul.'

"When Lambert was warning the spectators to beware of bad company Quelch joining said,

'They should also take care how they brought money into New England, to be hanged for it.'

"2. JOHN LAMBERT. He appeared much hardened, and pleaded much on his innocency; he desired all men to beware of bad company; he seemed in great agony near his execution; he called much and frequently on Christ for pardon of sin, that God Almighty would save his innocent soul; he desired to forgive all the world; his last words were: 'Lord forgive my soul. Oh, receive me into eternity. Blessed name of Christ, receive my soul!'

"3. CHRISTOPHER SCUDAMORE. He appeared very penitent since his condemnation; was very diligent to improve his time going to and at the place of execution.

"4. JOHN MILLER. He seemed much concerned, and complained of a great burden of sins to answer for; expressing often, 'Lord, what shall I do to be saved?'

"5. ERASMUS PETERSON. He cried of injustice done him, and said, 'It is very hard for so many men's lives to be taken away for a little gold.' He often said, 'His peace was made with God, and his soul would be with God,' yet extreme hard to forgive those he said had wronged him; he told the executioner he was a strong man and prayed to be put out of misery as soon as possible.

"6. PETER ROACH (the automaton). He seemed little concerned, and said but little or nothing at all.

"Francis King was also brought to the place of execution, but reprieved."

Many men have many minds. A little circumstance will bring a sense of moral responsibility to one man; another would seem to awaken to the fact of morality only by some such final catastrophe as the grim gallows.

CHAPTER THREE

SEA HORROR

"Blackbeard"

I

If you want to know a real pirate — a true terror of the seas — meet Mr. Blackbeard; called, in what could scarcely have been an innocent childhood, Edward Thatch, or Teach. Little Edward must have been suckled on brass filings and have cut his teeth on iron nails, for he grew up to be consistently and completely evil. Perhaps he fell when an infant and injured his head, or more probably was born with a twist to the bad; for no sane, normal man could have been so wild and wicked.

He, not Kidd, is the fellow you have in mind when you think of a pirate. He was the genuine, plank-walking, marooning, swashbuckling boy of the seven seas; Bill Kidd and Jack Quelch, so far from being in his class, would barely have been tolerated by him as ordinary seamen under the "black flagg with a humane skelleton" which terrified the old-time mariners. To win his yel-

low-fanged grin of approval one would have to be absolutely, unreservedly inhuman.

Blackbeard! Folks got along with him best who addressed him with that pretty name. He had no use at all for "Mister Thatch." Plain Blackbeard to high and low, fore and aft; for his pride, his pleasure, his life were in his beard; an enormous bush, unusually, weirdly, wonderfully black; a huge mat of hair, really beginning at his ears, arching across his nose, and ending with his knees, — a regular jungle from behind which his veined and boozy eyes peeped like those of a beast spotting its prey, the while the long, leathery lips slavered with the thirst for blood. Nice-looking chap — very.

He might not take time to wash his nose — the only island of skin in that sea of hair — but no hour was too long or too tedious which was spent in curling, preening, pulling and twisting that beard into the most fantastic shapes and effects. One day he would swagger out on deck with his chin the axle for a half-dozen spokes of tightly rolled whiskers; another, it might be one great spike, thrust outward and upward in a unicorn symbol. Practically he had a fashion for every mood, especially for the belligerent.

People had to keep out of his cabin when the skipper was trimming up his beard for a fight. Really he was the first patentee of frightfulness. That was his specialty. When action threatened,

those whiskers were wrought into an appearance of ferocity beyond depicting.

Nor was that all; he had other artistic touches in the nightmare line. For instance, there were those long, thin, slow-burning matches which he stuck all around his head, beneath his hat — alight they looked as if the inferno had vomited forth a demon; there were the three braces of pistols over his shoulders; the two dirks in his brilliant Caribbean sash, and the cutlass that never stammered. A gulp of raw Jamaica rum and he was ready to eat 'em alive.

How amiable an apparition to behold oozing up over your bulwarks some fine morning! No wonder the Altantic, where it slaps the West Indian beaches on the one side and the shores of the Carolinas on the other, whispered his name with fear.

It was going to be a big job for the forces of law and order to snare this bird.

II

January, 1718, was the happy month for the Carolinas. Then it was that Blackbeard, coming from the West Indies by way of New England and the North Atlantic provinces, chose to make his hole at Ocracoke Inlet, on Pamlico Sound, North Carolina.

Not that Blackbeard came with his hat-matches lit and his beard glorious for strife, and his cutlass speaking sudden, certain death. Oh, my, no! Far indeed would this supposition be from the fact, for Blackbeard had come to Carolina to turn over a new leaf; to leave the wicked practices which had made him king of the wicked Indies; to forswear the black flag; generally to amend his way; particularly to take the Act.

"Taking the Act" was a joke beloved by all the best pirates. It was specially good after a profitable plunder cruise; useful, too, in a way, for it gave one a chance to spend one's salt-water money without having to fight somebody every five minutes. To take the Act was the only way a hard-working pirate could get a vacation.

The thing worked something like this: George the First, of England, at about this time was having trouble with the Swedes, and in conse-

quence the British fleet was all tucked away up in the Baltic; he was troubled, too, by the merchants of London and the colonies, who were getting rather pert about this matter of pirate depredations.

Being completely at sea in more ways than one, the British Admiralty fell back to the old pardon business that they had tried in Captain Kidd's time, and which had been so successful that less than twenty years later the sorry scheme was dragged forth again.

Taking the technical peelings off, the meat of the matter was that if within a year from the date of the proclamation any pirate should surrender himself to any one of the king's colonial governors and swear to renounce his criminal courses, all the past should be forgiven and forgotten. The weakness of the plan, of course, was that a man you could not catch would not care much about your pardon. And still another, — that the word of a pirate could poorly compare with a bond.

But the boys liked this Act of Grace as it was called, and some had even been known to abide quite consistently with its terms. The leading men of the business, of course, could not be expected to take it too seriously.

Blackbeard wanted a little lay-off from years of steady grind. Then, too, it was January, with its season of new resolutions; why not start the year right?

They all talked it over, coming along the Virginia coast — near where they had heard of the proclamation — and it rather appealed to everybody. They grew solemn, serious, not a little drunk, and decided to break up. Here was a chance to wipe the slate clean and start all over again.

They anchored in Ocracoke Inlet and marched off to take the Act. Let us go with them.

Lithe chaps, aren't they? See how the muscles ripple and play under those bright silk shirts; how column-like the brown necks groove into the bulging shoulders; in the fine, perfect pink of condition every one; strong, you can easily see; strong everywhere, that is, except in the head. Weak, there, lamentably weak.

In the heart, too, for they are really bad, capable of all evil, for which their environment and early associations can extenuate but not exculpate them. In truth, these are the creatures of a dark age; these men believe in witches and fear to whistle aboard ship lest they blow up a tempest. Most of these fellows are Englishmen, with some Spaniards and Frenchmen, all caring little for international animosities, enfranchised in the Commonwealth of Crime. You can hear the outlandish burring of the Yorkshiremen, the hissing z's of the West Englander, the pitch, too, of what is to become the Cockney whine of a little later day, tussling with a jargon made up of many languages, founded on English.

Notice, too, these negroes from Barbados and other islands of the Indies, children of slaves brought but lately from Africa for the plantations. These don't rate as seamen on even the pirate ships, but are menials whose big job is to keep continually at the pumps. Still, it seems all a great lark to them; see how they laugh, joke, leap around in unequalled vigor, till the great gold rings in their ears, the gold chains about their necks and the heavy metal bangles on their wrists jingle and rattle with their motions. This thing of jewelry is affected by white and black alike; and how they like those wide, many-hued sashes, and the silk stockings under their knee-length breeches!

So they roll, seaman fashion, singing and romping to the small frame house where reigns the servant of the Proprietors and the master of the colonists, his Excellency, Governor Eden. At their head goes that strangest of all the strange creatures of the sea, that powerful, ape-like figure swathed hideously in hair — to-day all curled in hundreds of ringlets smeared with pomatum — looking like a thing from a bad dream.

They bulge unafraid into the mansion; full weaponed and together, they fear nothing at sea or ashore. But nobody is of a mind to trifle with them; the folk here are used to seeing everything that is grotesque washed up by the sea; nay, these men have many acquaintances among the

inhabitants, for not a few have shipped from these parts.

Governor Eden enters, portly in a London flowered-silk waistcoat, stylish French shoes and peruke, high-pointed and white-powdered. He gasps a little at the gang jammed into the room and glances sharply over at Tobias Knight, Secretary of the Province, who a moment ago was scratching with his quill pen an encouraging story of graft to the Proprietors at home, but who now is nervously pulling his sword more accessibly across his round fat knees. Neither he nor the governor had even seen anything quite like that in old Pall Mall, you know.

"Takin' the Act, y'honor," growled Blackbeard, leering at constituted authority.

"Aye," chorus, froglike, his bully boys.

The job is soon done. With upraised right hands one and all swear to leave off piracy. They come in children of the rope; they depart free and law-abiding men. It is very easy.

All leave, that is, save Blackbeard.

"I salvages ships, your honors," thunders this gentleman, spreading himself out on a chair so that his beard should flow in its glory like a blanket over his person, while all its fancy little curly-cues, ringlets and twists dance with every movement of his chin. "My real trade, your honors — ship salvager. Mebbe I'll have business here. Lost ships is what I go for and lost ships I finds.

"No need for a good ship to be lost while Blackbeard's around to take 'em home again. No occasion to leave a lost ship to drift around till them dirty seadogs of pirates mauls 'em over. Law says lost ships must be reported to the governor, and now I abide the law."

"How d'ye mean, Captain?" says the governor. "D'ye pull 'em off the rocks?"

The audience chamber — if it may be so called — shakes with the visitor's laughing.

"Ye don't know rocks, your honor, beggin' pardon; rocks don't let nothing go oncet they get aholt. Deserted ships I picks up; ships with a little water in 'em don't always go down as fast as the master fears.

"There's where I comes in. I get a ship like that; I comes in to you. Says I, 'Your honor, I have salvaged a ship.' Says your honor, 'Accordin' to law, I declares you to have salvage of her.' I sell her for a good price. Says I to me, 'The governor, his honor, works hard; he ought to have his wages.' Says I to you, 'Your honor will perhaps accept a little present.' 'Captain Blackbeard,' says you, 'have a jog of rum.' We all stands up and drinks the king's 'ealth."

Governor Eden claps his hands smartly, and the black servitor jumps in.

"Boy, bring the Madeira and glasses for three."

III

Governor Eden, in his corrupt connivance with Blackbeard, was not representative of the public opinion of the Carolinas in 1718. The proprietary provinces — for these things were shortly before the revolution which placed them directly under the Crown — had become tired of pirates.

It's a long story, but of powerful interest. The short of the matter is that the Carolinas had fostered pirates for her own interest until in time they became a menace. From the middle of the sixteen-hundreds the Southern provinces had been the outfitting grounds of a shoal of privateers who under royal commissions threshed the waters of the Spanish Main for Monsieur le Roy, as the French were called, or the Dons of Spain.

These letters-of-marque lads really protected the baby colonies from those two voracious wolves for quite a while, but naturally if business in the legitimate line of their letters slacked up, they were prone to mistake the ensign of St. George for that of the Fleur-de-lys, and thus kept their hands in practice by despoiling friends as well as foes. Far too often they crossed too easily the thin line which separated a privateer

from a pirate, so that in something less than half a century Charles Town, which had trembled at the French and Spanish invasions, now was equally fearful of the guns of the erstwhile protectors, the pirates.

English navigation laws, which had delivered the provinces, bound hand and foot, into the hard fists of the English merchants, did not a little to promote piracy, for the sea robbers came to town with holds crammed full of all sorts of merchandise and peddled it to the colonists less the duties and imposts, and so made one of the cheapest markets in the world. Their customers all along the coast met them gladly and made no bones of the traffic, until the black flag threatened to monopolize the whole commerce, when the community awoke to the circumstance that there was a price in the cheap bazaar after all.

Consider that Blackbeard, a month or so before he took the Act of Grace, had "salvaged" no less than twenty-seven ships — nearly a ship a day — and you have a measure of the situation; add, too, this, that Blackbeard was but one of many, and you will understand why Jamaica, for instance, wailed to the home Government that it was ruined.

North and South Carolina had not formally divided at that time, though the distinction of names was used; Governor Eden ruled wickedly in the North; Governor Johnson ruled justly and wisely in the South.

IV

The vicinity where Blackbeard made his establishment was well chosen for his job. When one knew the channels between the low, sandy islands which lay all about the inlet one could run in and careen the ship, lay by and swagger alongshore, and when one got ready to abjure his oath and swing off on the plundering account again, one could intercept two lines of commerce, — the coastwise from New England to the West Indies and the provinces, and that from the provinces to the north, to the West Indies and to the mother country. Blackbeard knew his business.

It should be explained that our whiskery hero was a sort of admiral, for he commanded not only his own ship, but he was attended by three auxiliary sloops, one of which — the *Revenge* — belonged to the peculiar and picturesque Major Stede Bonnet.

What did these ships look like? Well, the old British Navy had five classes of men-of-war, rated on the number of guns; Blackbeard's own ship, the attorney general on a later occasion said, was equal to a fifth-class man-of-war; that is, he mounted forty guns, ranged on two decks, carrying a complement of some one hundred and

forty or fifty men when his articles were full. She was about twenty feet in the beam and a little more than a hundred feet long; rigged with square sails and capable of good speed.

The sloops, a general term for a variety of small ships, fought only ten guns, though the man-power was not proportionate, fifty or sixty men sometimes being crowded aboard. Ship-building was to wait generations for the start of the impetus which carried it to its culmination in the early nineteenth century.

Nobody knows just what turned Major Bonnet to pirating. Some say he had so much domestic misery that he simply felt he would have to chaw up something or somebody; others, that the works in his brains had slipped a little out of gear.

It could hardly have been money, for Bonnet was a well-to-do planter of Barbados, where his civic spirit had been so keen that he had earned the military title of major in service against the enemies of that colony. Perhaps he had been reading the *Diamond Dick* stories of that era, and was so fired by them as to forget his middle years, his decorous manners, his respectable standing, and craved for a taste of real life.

However that may have been, he bought a sloop, christened her romantically the *Revenge,* and, under the usual pretense of going privateering, picked up the right gang and put to sea in the late summer of 1717. He knew nothing

about the sea except that under certain circumstances it would drown one.

His crew were quick to see that their commander was no sailorman. His pretense at seamanship provoked their great-mouthed grins and deriding whispers and nods. He was driven to hide behind his mate, who really worked the ship; and to the end of his career, which lasted just about one year, he employed usually a sailing master. But his courage, his hard temper, his resolution kept his feet on the quarter-deck and forced a respect that his landlubberliness denied him.

That is, he wrung a deference from all but old Blackbeard. Bonnet fell in with him in August, 1717, and they made it up to sail together.

The bearded bear, however, soon saw that his partner was no skipper, and, growling and contemptuous, he summarily removed Bonnet from his own deck and articled him in an inferior position on Blackbeard's craft, putting one Richards, a bad egg but a good sailor, in Bonnet's place. This was a collar that galled the neck of Bonnet.

All the ships came in to Ocracoke about the same time; but Bonnet and a large number of men disdained to palter with the Act of Grace, and lay about the settlement waiting for Blackbeard to get over his whim and down to business.

The days ashore passed in debauch. Here the softer side of Blackbeard's character is shown in his affectionate devotion to fourteen wives, — as

he called them. With them he was most playful and kittenish. He loved to make these ladies laugh by blowing out the candles with his pistols; or sometimes, crossing his arms, a weapon in each hand, he would fire promiscuously about the room, whereupon the most merry play of hide-and-seek was enjoyed by all the company, wives and visitors alike, when those who could not get under the table quickly enough would catch bullets in the funniest places, — like behind the ear or just above the heart. Everybody looked forward to these evenings.

V

Spring came on Ocracoke, and the adventure sap stirred in Blackbeard's veins. He stood it until the end of May, then tore his oath in two, kicked the Act of Grace in the face, flung the skull and crossbones to his masthead and sailed off for Charles Town, his minion sloops dancing and bobbing on the waves beside him. He was going shopping, if you please, for medical supplies, a great necessity by reason of his fleet's method of living and working. He was going to honor Charles Town with his patronage.

While this happy surprise for the little colonial seaport was coming around the sea-washed bulk of Cape Fear, a Mr. Wragg and a Mr. Marks, on board a merchantman, were slipping across the Charles Town bar, bound for England. Both were prominent local gentlemen, Mr. Wragg being nothing less than an assemblyman. There were several other passengers on the list, while in the ship's chest were seven thousand five hundred dollars in broad gold coins and pieces-of-eight.

Mr. Marks stood at the stern of the ship and looked a long time at the old town as it dropped away behind them.

"Neighbor Wragg," said he with a gently melancholic sigh, "it will be many a day before we tread the streets of Charles Town again."

Mr. Wragg squeezed his friend's hand sympathetically.

"Only a twelvemonth perhaps," he suggested. "Take courage, Marks."

They were both poor guessers. Instead of twelve months it was less than twelve days a good deal when Mr. Marks again looked his fellow citizens in the eye and face-to-face. If somebody had told his fortune at cards that night he might have truthfully said that a dark man was coming across the water to see him.

"Do you see what I see?" asked the captain of the mate next day, as the gray light of morning was turning all the waters to the look of molten slate. The mate gazed northward.

"I count four of 'em," he said slowly. "Looks like they're coming right for us."

They were. Very soon a shot whistled over the nightcap of Mr. Marks, who had thrust his head from his cabin with that sense of something amiss peculiar to shipboard.

"Heave back the tops'ls," growled the master.

The sails flatted down, and the ship came to. She was quickly circled by Blackbeard's fleet. The skull grinned amiably at them as the black flag stood out tautly in the wind. Somebody shouted something from the pirate ships; and the merchant captain ordered the boat lowered, and

with two of the crew to row him set off for the marauding flagship.

"I've been pirated in these waters twenty times," grumbled the captain, steering with an oar, "so I know what they want."

The pirates wanted everything. They put a prize crew over on the captured brig. Mr. Marks was paged.

"Mistah Blackbeard's compliments, suh," grinned a big black fellow, looking coy in a hat made of a twisted red silk handkerchief, "and if you be Mistah Marks, suh, will you be so 'bliging as to step over to his ship."

Mr. Marks, with pallid face, looked pathetically at Mr. Wragg, whose sympathy was again subjected to a heavy sight draft.

"Why didn't he send for you, Wragg?" he complained unheroically. "You're a councilor — you've got the precedence."

Mr. Wragg patted him on the shoulder encouragingly.

"I'll advise your family, Marks, if anything happens," he said kindly; "but I'm sure it won't."

He felt pretty sure it would.

All stood in for Charles Town. Mr. Wragg once or twice thought he saw Mark's hand waving at him from Blackbeard's ship, where he and the merchant captain were detained. Or was it poor Mark's nightcap tossed in a dreadful struggle with the villains? Who could tell?

Captors and captives lay at the bar; and Blackbeard sent the longboat off to town, carrying Mr. Marks under guard of Richards and half a dozen nasty rascals. The astonishment of the town was unwordable when it saw the respectable Marks in company so dreadful.

But when they heard what Mr. Marks had to tell them their astonishment turned to fighting wrath. For Blackbeard ordered four hundred pounds' worth of medical supplies delivered to Richards or, first, Mr. Marks would be shot on the spot; second, Mr. Wragg's head and those of all the other passengers would arrive by the next boat; third, the pride of the province, Charles Town itself, would be blown from its foundations.

Governor Johnson was a strong man, and his council were strong men; but here was a puzzle for them. Sixteen years before this they had beaten off the French invaders with a courage that is notable in the history of municipalities; but now the gun was right straight at them, and it looked like hands up.

Things were stirring about in Blackbeard's fleet as well as in the town. Especially when two days went by and no word came over to the bar from Richards or Marks. On the evening of that day, Blackbeard, steeped in rum, lined his hostages along the deck and raved and thrust his awful beard into their faces and generally behaved in a most ungenteel manner.

"Shake your heads, my pretty landlubbers," he bellowed; "shake 'em while they're on your necks, for if Richards don't come back in the mornin' your heads will go to town at noon."

The wretched part of it was that the ruffian meant what he said.

A messenger came from Richards, however, in the morning, and so reprieved Mr. Wragg and his fellows for a few hours more. The messenger stated that in going from the bar to town the boat in which Marks was being taken capsized and there had been no end of trouble and delay in getting ashore. Further that the provincial council had been called together and were debating Blackbeard's proposition.

Another day or so of strain and another silence from the town. Again Blackbeard stamped about and waved his cutlass and carried on as any obstreperous and brutal drunk might be apt to do. Oh, for a king's ship to happen along as chucker-out! But king's ships, like the night watch, are generally anywhere but where they're needed.

Blackbeard filed the frightened hostages forth again. This time he had the machinery of their destruction ready, — a huge black, his great-muscled right arm bare to the shoulder, his hand hefting a bright cutlass. Blackbeard, perched on a keg of powder, beckoned to his captives in mocking solicitude.

" Step up, pretties," he leered, " and get your hair cut."

This was no opera, comic or otherwise. It was a situation to be met, and immediately. One whom history does not remember spoke up. " Cap'n Blackbeard," said he, talking for his life, " we've decided if you'll be so good as to let us, to join with you if you're going to take the town. We'll help you. They've betrayed us for a few pills and powders, so we owe them nothing."

" Spoke like a man," said Blackbeard. " You're proper men; you'll be real cocks of the old game. Heave the anchor and shot the guns — the tide will be right in an hour."

Perhaps this was not a heroic subterfuge; but let those judge who have been hostages, helpless in the hands of such a desperado. It saved the lives of a number of folk. For ere the tide lifted them over the bar the longboat returned with Richards, the pirate boatmen and great piles of all sorts of medicines. The town had capitulated. There would come another day, it properly figured, and its wisdom was justified by the event.

Blackbeard left the merchant brig and its passengers rocking at the bar, but by an unfortunate oversight he sailed off with the ship's chest containing the gold coins and the pieces-of-eight.

Partnership was dissolved soon after leaving Charles Town. Blackbeard had already apparently decided to abdicate the cocked hat of an

admiral and assume the subordinate rank of a captain. He planned to concentrate his power in his one vessel.

So without concern he returned the dissatisfied Bonnet to the *Revenge* and recalled Richards and the hardiest members of the *Revenge's* personnel, leaving Bonnet with half a dozen hands of indifferent expertness to work the sloop.

That accounted for one of his three tenders. The second he resolved to abandon at Topsail Inlet, on his way to Ocracoke. This he effected in the regular Blackbeard fashion by ordering it driven ashore at Topsail Inlet and wrecked. Her crew might make what escape they could from the mess. They could not argue with the forty muzzles of his guns, so crack went the sloop's hull upon the rocks, while Blackbeard lay by and laughed at the men struggling in the surf.

These unfortunates at once went to work saving the sloop's food and powder, which hard labor was no sooner ended than Blackbeard stood in and came ashore in the boat. He took all the salvaged stores and every first-class seaman among the men and left, leaving nearly a score of his late followers destitute and marooned on a wild and isolated beach. In this way Blackbeard paid for faithfulness.

The castaways had nothing to do but huddle about the sand and hope for help. It did not occur to them to go back into the wilderness behind them, perhaps because, as sailors, they

would not trust themselves to any but their wonted environment, perhaps also for the reason that the unsettled interior promised them even scantier succor than the wide sea before them, on which a coastwise ship might possibly be attracted by their signals. So they lay around listening to the *creak-creak-creak* of the occasional sea gull, the thumping and swirling of the inrushing waves and the cracking of the ship's gear and planking.

Before serious privation befell them, however, the hoped-for sail fluttered out of the horizon. They took the shirts form their backs and hopped vehemently up and down the beach and flew to the headlands in a frenzy of inarticulate appeal.

Joy unspeakable; they saw the topsails heaved back and the ship come to! Saved! The men massed at the very edge of the water and stared hard at the boat which now put off and came swinging in toward them.

"If it ain't Major Bonnet!"

There was a kind of pleasure in the way they said this as the boat's crew could be identified. They had never expected that the commander of the old *Revenge* could ever have looked so good to them. A dozen welcoming hands pulled at the bow of his boat when it grated on the sand.

"A dirty deal, boys," said the major; "a dirty deal to leave ye all like this — all governors of a maroon island."

That was a loved witticism of the major;

marooning with him was always to be invested with the dignity of governor of the maroon sand-spit. He had quite a turn for pleasantry. He chuckled, and then got down to business.

"Getting to the point, my lads," he continued, "let us leave this outlaw life which has brought us nothing but grief. Come with me to St. Thomas in the Indies, and we'll get a privateering commission there against the Spanish dogs, and show 'em the kind of metal that is in a British cutlass."

He put a punch into his proposition by explaining, sympathetically but firmly, that if they refused his offer he would be quite obliged to sail away and leave them still in the governorship of Topsail Inlet.

Nobody wanted that distinction, and the marooned left in boatloads for Bonnet's ship. As they came under her bows they marked that the name *Revenge* had been painted out, and in its place were the words, *Royal James,* being the major's compliment to the Pretender and a vivid indication of the major's politics.

The tide crept in and washed the last heel mold out of the sands of Topsail Inlet, where the gulls were left to peck speculatively at the protruding nails and tangled cordage of the battered ship, the while they wondered at the ways of that queer creature, Man.

Commons were lean on the *Royal James.* When the rescued pirates found that there was

not very much to eat on the ship, the first gush of joy at their deliverance sloughed off quickly.

"Ye see, men," Bonnet explained, "the pantry is pretty low. The first job of a sailorman is to eat, so we may have to stop somebody on our way to St. Thomas and beg a bite."

A very reasonable suggestion.

"Somebody" appeared before the cruise was very old. He showed no concern, however, to answer their hail but jammed up into the wind and sped away. That was certainly no proper sea courtesy.

To teach the rude fellows a lesson in manners, the *Royal James* swung behind and followed fast, and as pursuit was quite in her line she soon pulled down the fleeing traveler and with a shot across his bow brought him to with a bang. Bonnet shoved alongside and soon stuffed his hold and his men with quarters of beef and barrels of rum.

That was a fair start. All waist belts were comfortably tight; drooping corners of lips went up and the old zest for piracy swelled and rippled like a flood tide in the veins of the men of the *Royal James*. So when with a grin the captain sped the black flag up the lines the general contentment was not grievously shaken.

Two Bermuda-bound ships were pulled in the day following the first capture, and the day after that they picked up a fourth. The tally of takes now began to run up smartly. Inside of a week

five ships were looted, from which a number of recruits were made, including negroes who were delegated to the pumps and the menial jobs with the status of slaves, and whose signs to the sloop's articles were not invited.

Here is a typical haul from one craft: Twenty-six hogsheads and three barrels of rum, valued at fifteen hundred dollars; twenty-five hogsheads of molasses, worth seven or eight hundred dollars; three barrels of sugar, value one hundred and fifty dollars; cotton, indigo, wire cable of varying values, a small amount of French and Spanish coins, one pair of silver buckles and one silver watch. Thus, you see, the boys cleaned up systematically from the hold to the captain's waistcoat pocket.

They peddled their merchandise alongshore, where the business, though more risky than in a happier day, was still keen. They grabbed vessels on the high seas or at anchor in way ports. One captured in the latter situation was the *Francis,* and here is her mate, Mr. Killing, who is anxious to tell us himself just how it all happened. Proceed, Mr. Killing.

" The 31st of July (1718) between nine and ten of the clock, we came to an anchor about fourteen fathom of water. . . . In about half an hour's time I perceived something like a canoo: So they came nearer. I said, here is a canoo a-coming; I wish they be friends. I haled

them and asked them whence they came? They said captain Thomas Richards from St. Thomas's. . . .

" They asked me from whence we came? I told them from Antegoa. They said we were welcome." (Pirates certainly loved their little joke!) "I said they were welcome, as far as I knew." (Which you observe was not very far. A man of careful statement, this Mr. Killing.) " So I ordered the men to hand down a rope to them. So soon as they came on board they clapped their hands to their cutlasses; and I said we are taken. So they cursed and swore for a light. I ordered our people to get a light as soon as possible. . . .

" When they came into the cabin the first thing they begun with was the pineapples, which they cut down with their cutlasses. They asked me if I would not come and eat along with them? I told them I had but little stomach to eat. They asked me why I looked so melancholy? I told them I looked as well as I could — " (Before we smile at the worthy mate let us wonder a moment how we would have looked in the same fix.)

" They asked me what liquor I had on board. I told them some rum and sugar. So they made bowls of punch and went to drinking the Pretender's health, and hoped to see him king of the English nation — " (This was doubtless the result of Major Bonnet's treasonable propaganda. Here was an incipient navy for the Pretender had he only known it.) "They then sung

a song or two. The next morning . . . they hoisted out several hogsheads of molasses and several hogsheads of rum. In the after part of the day two of Bonnet's men were ordered to the mast to be whipt. . . .

" Then Robert Tucker came to me, and told me I must go along with them. I told him I was not fit for their turn, neither were my inclinations that way. After that Major Bonnet himself came to me, and told me I must either go on a maroon shore" (no doubt with his usual little jest about the governorship) " or go along with them, for he designed to take the sloop (*Francis*) with him.

" That evening between eight and nine we were ordered to set sail, but whither I knew not. So we sailed out that night, and I being weary with fatigue, went to sleep; and whether it was with a design or not I can not tell, but we fell to leeward of the *Revenge (Royal James);* and in the morning Major Bonnet took the speaking trumpet, and told us if we did not keep closer he would fire in upon us and sink us. So then we proceeded on our voyage till we came to Cape Fear."

Thank you, Mr. Mate; you have given us an interesting and living picture of just how these wretches went about their dirty work.

VI

Cape Fear! When a "naval historian" tells us that the battle at Cape Fear was merely a matter of a few shots and a surrender, he not only understates the fact, but beclouds the due glory of a company of heroic men. Mr. S. C. Hughson, whose patient accuracy has given the complete story to the world, not only describes a serious engagement but shows that the result was so open a question that the pirates, during the fight, beckoned with their hats to their opponents in mock invitation to board and take them, in full confidence of victory.

Cape Fear is on Smith Island, at the mouth of the Cape Fear River, on the coast of North Carolina, and between Charleston and Ocracoke Inlet. At New Inlet, where the river swims into the sea, it divides what are now called Brunswick and Hanover Counties. Shoal waters and sandy islets make the work of navigation here uncertain.

Major Bonnet had made his sea-nest in this region, his knowledge of the channels and depths protecting his comings and goings. In this place he could repair and refit his ship as well as set up a sort of market for the purveying to the local

folk his varied plunder. For the coastwise pirate, as distinguished from the pirate of the Kidd and Quelch school, was simply a smuggler who stole his wares, and if you hyphenate him thus, smuggler-pirate, you can separate him from the typical smuggler who acquires his contraband lawfully in a cheaper market to run it past the customs to a dearer market.

It was to Cape Fear, then, that Bonnet came in the beginning of August with his ship and two captive sloops, one of them being the *Francis,* and it was here that toward the end of the next month Justice presented her bill to him at the point of a cannon.

Colonel Rhett, of Charlestown, was the agent of Justice in this instance. Not long after Blackbeard had held up Charles Town for a quantity of pills and plasters, as we have noticed, another rascal tried the same trick but could not make it work. This fellow's name was Vane, sometimes called Vaughan, and quite a bad actor in his own way.

Of all the citizens who sharply resented these piratical impertinences, Colonel Rhett, a noted colonist, took it most to heart. On his own initiative he fitted out as sloops-of-war two ships, the *Henry,* on which he himself sailed, and the *Sea Nymph,* which he manned with many "gentlemen of the town, animated with the same principle of zeal and honor for our public safety, and the preservation of our trade."

Heartily seconded by Governor Johnson of South Carolina, who unlike Governor Eden of North Carolina was a terror to pirates, Rhett's little fleet put out in pursuit of Vane; for Vane, seeing that his plans had slipped, decided that he had better also slip. He slipped so effectively that Rhett never came up with him.

Since leaving Topsail Inlet with his recruits Bonnet had taken no less than thirteen vessels, and word of this pirate had come to Charles Town while Rhett was outfitting. Missing Vane, Rhett "and the rest of the gentlemen were resolved not to return without doing some service to their country, and therefore went in quest of a pirate they had heard lay at Cape Fear." There they certainly found their opportunity of doing a public service and most commendably appropriated that opportunity.

At evening on September 26 the *Henry* and the *Sea Nymph* came to Smith Island while daylight enough was left to show them the topmasts of the pirate above a spit of land behind which the *Royal James* lay. They threw their anchors into the mud of the inlet and waited for morning. At dusk three boatloads of armed men came out of the river and coolly reconnoitered. Major Bonnet had spotted Colonel Rhett.

All that night of late summer the Charles Town gentlemen could make out the threats and persuasions of Bonnet and his officers driving on the efforts of their crew in making ready for the

morrow's deadly debate, which Bonnet, rather than surrendering, evidently chose to maintain. The tide brimmed up the river from the Atlantic and was sucked back again to those vast waters, yet it lulled no one to sleep on any of the ships.

All night the wind-blown torches and lanterns lit the work of the pirates; all night the glare of them flickered and jumped beyond the bump of land which separated the besiegers and the besieged. The pirate sloop was like a warrior unbuckled and relaxing in his tent, expecting no hostile surprise. Her deck was disorderly with bits of cargo; barrels of rum, quarters of beef, hogsheads of molasses, all to be cleared off for the free action of the guns. Her gear, too, was probably at odds and ends in course of repair.

The work of weeks had now to be punched up into the fleet hours of one night, for when the dawn should come the *Royal James* must be a warrior harnessed and prepared. All night the men of the *Henry* and the *Sea Nymph* lay at watch.

Sun-up began the day of fate. Beyond the headlands which sheer above the river, the east was bannered with yellow and purple and rose-pink; a strong breeze blew directly from the land. The sails of the *Royal James* went up with the sun, the blocks and tackle creaking like a flock of hungry gulls; the chains rattled with the hoisting of the anchor.

Bonnet had to fight two to one. His chance —

and it was an approved method of pirate strategy — was to get to open water and battle on the run, broadsiding one or the other of his enemies but never permitting both to get at him at once.

The major had become quite a sailor now. He gathered all his men on the *Royal James* and left the two captured sloops with only Mr. Killing and the other prisoners on board of them. The refusal of these latter to aid him in his fight with Rhett was allowed to pass without punishment.

"Here they come!"

Beyond the hummock the Charles Town men could see the masts of the pirate, fully freighted with sail, running swiftly toward the point. Bonnet was making a break for the sea.

Rhett's ships quivered with action. As the *Royal James* thrust her bowsprit into sight, the *Henry* and the *Sea Nymph* crowded down on either of her quarters.

They made it in time; Bonnet, dodging, was elbowed into the shore. If the channel had been deep there, he might still have made it; but the channel was shallow, and his ship thudded into the sandy bottom, and there she lay, with her full suit of canvas tugging at the sticks until they promised to snap.

Rhett grinned and swung about, but he could not make it sharply enough, and his satisfaction waned with the bump of his ship into the same bottom that gripped his enemy. The *Sea*

Nymph, also turning, likewise found herself hard and fast ashore.

Here then was the situation. The *Henry* was grounded on the pirate's bow within pistol shot; the *Sea Nymph* struck the sand out of range, and there she stayed for the greater part of the fight, a spectator of the struggle, unable to bear a part or give any help to the *Henry.*

And Rhett's flagship needed help. When she hit she slanted, but in the same direction as the pirate had tilted, with the result, of course, that she presented her unprotected deck squarely to Bonnet's broadsides, while the latter's position offered more of his hull and less of his deck to Rhett's ordnance.

For all of that, the South Carolinians gave the Barbados gentleman all their ten guns at once with a smart peppering of small-arm fire. Bonnet roared back with all of his pieces, smashing the *Henry's* deckwork and reddening her scuppers. The Charles Town boys who stood by the guns on that open, inclined deck of that Saturday morning, never letting the fight flag for a moment, certainly passed the supreme physical test one hundred per cent. to the good.

But there was to be another deciding element of the contest than cannon balls, musketry or cutlasses. The tide, which was now turning and flooding in, would award the victory. For whichever ship righted herself first must have the critical advantage.

The opponents must have known this from the first, and, of course, the benefit of the tide being uncertain, each desperately strove to finish the other and thus leave no chance to the arbitrament of Nature. The mud flats disappeared beneath the oncoming waters; the lower islands sank from sight; the battling ships jerked now and then with the powerful tug of the stream at their hulls, and with the rising of the river crammed more shot into the hot guns till the smoke burned the eyelids of the fighters red, and ten good men lay in the shocked attitudes of death on the *Henry's* decks, and eighteen wounded groaned in her hold. Seven of Bonnet's crew had signed on with the real skull-and-bones flag.

The tide came swirling in. High noon gave place to afternoon; the moment of decision was at hand. One or other of the ships would gain her keel in a few minutes. Which would it be?

It was the *Henry*. Bonnet, who had fought supremely, saw with vehement despair the yards of his enemy tilting up, while he himself lay in the sand inert and helpless. He rushed with his pistol cocked to the magazine of powder thus to make the grand finish, but his men threw themselves upon him to restrain his rash and horrible act, while one of them jumped in the shrouds and waved the white flag of the conquered.

Rhett boarded and chained up some thirty men, including their leader, and after repairing

the *Henry* set out for home. The public service had been rendered — by the tide.

Charles Town went wild with excitement, though not exactly in the way they mean who keep this tired phrase in currency. When Rhett came in laden with pirate prisoners and convoying the *Royal James* and the two sloops captured by that ship, the *Fortune* and the *Francis,* he was the hero of one faction in town and the villain of the other.

Friends of piracy in general and the personal acquaintances of the enchained pirates in particular shared a common indignation. They must have been numerous, for they promised to liberate the prisoners or burn the city to the foundation blocks. Bonnet, as was fitting for a gentleman who happened to be a criminal, was locked up in the residence of the marshal, while the baser fellows were thrown into the watch-house, there being no jail in the town at that time.

The fashion of the port went out to look at the ships. The *Henry* was all knocked about, while the *Royal James* — whose name had been immediately changed back to *Revenge* by a proper patriotic gesture — had not much more than a chipped hull.

If the ships had not grounded as they did Bonnet would have been against overwhelming odds. The *Henry* had eight guns and seventy men; the *Sea Nymph* had the same number of

cannon and sixty men. Bonnet fought with ten guns and about fifty men.

But the sticking of the ships had made his chance more even, for in that situation he commanded two more guns than did Rhett, and the latter's slight excess of men was more than canceled by the bad slant of his deck, with its consequent openness to the enemy's cannonade.

Before the trouble in town could blaze into tumult, the pirates were put to trial in the Vice-Admiralty Court, presided over by Judge Trott. Bonnet, however, did not stand among them; by bribing with a free palm he had escaped and was at that moment fleeing up the coast in a small boat, to the great scandal of all lovers of good government.

The trial was brief and characteristic of the times. The defendants, without counsel as was usual, feebly pleaded that Bonnet had deceived them at Topsail Inlet into sailing with him. Ignatius Pell, boatswain of the *Royal James,* turned state's evidence, and other witnesses were Mr. Killing, whom we have quoted, and the captain of the *Francis* and the captain of the *Fortune.*

There could not be a doubt of their guilt and in that age not a doubt of their fate; they were sentenced to be hanged by a judge who preached at and denounced them in the vigorous fashion of the Elizabethan courts. In less than one week all but three or four who had proved compulsory

service were executed at old White Point, near the present beautiful promenade.

One cheerful ray lightened the black misery of their situation: Stede Bonnet was recaptured. "He was the great ringleader of them," said the prosecuting attorney, "who had seduced many poor, ignorant men to follow his course of living, and ruined many poor wretches; some of whom lately suffered, who with their last breath expressed a great satisfaction at the prisoner's (Bonnet) being apprehended, and charged the ruin of themselves and loss of their lives entirely upon him."

Colonel Rhett had again been the fate of Major Bonnet. After Bonnet's flight from the marshal's home, Rhett went after him and ran him down on a little island near the city. Heriot, sometime shipmaster for the major, was shot in the short scrimmage, and his employer again brought to Charles Town in manacles.

They tried Stede Bonnet in the same court and the same fashion and with the same evidence as they had his crew. He was tried on two indictments, one for taking the *Francis* and the other for taking the *Fortune*.

To both he pleaded not guilty and was first tried on the affair of the *Francis*. He stood up for himself in good shape; but the facts, as well as the court, crushed him. He claimed, as Captain Kidd had claimed some years before in a similar fix, that a mutinous crew drove him pro-

testing into these criminal courses. He explained that the only piracy he had ever been in was when with Captain Thatch. One wonders how much the mutinous crew, as alleged, had to exert themselves to persuade an old Blackbeard man to steal a fat ship or two.

A curious little circumstance comes up in this trial. Pell, the boatswain, in answer to a question, said Bonnet was in command of the ship, "but the quartermaster had more power than he," adding that the quartermaster took charge of the loot and sometimes divided it. One wonders if the crew did not have a great deal more to say about things than would be supposed, tolerating Bonnet as a business manager.

Bonnet might have come down as a somewhat romantic person, but the nerve he had always shown, even in his trial, broke at the last; and when on December 18 he was hanged in the same place as his followers had been, he was almost senseless from fear. Thus in a miserable huddle he left a stage on which he had not been too modest, on which he had even swaggered.

This is all the story of one summer. The blockade of Charles Town by Blackbeard had happened in May of 1718, and December of the same year saw the end of Stede Bonnet. And to Bonnet, as to his men, there came a spark of joy before he went to the rope — and that was the news that his old superior, Blackbeard, had died upon the cutlass on November 22.

VII

Abdicating the high estate of admiral and breaking up his fleet, leaving a part of it, as we have seen, to roll as wreckage on the tides of Topsail Inlet, Blackbeard came back to Ocracoke and a lazy summer.

Perhaps it was during these thoughtful, meditative days that he persuaded a young lady to become his fourteenth wife for there is record of a merry marriage at which Governor Eden himself condescended to appear as a well-wishing guest and give the occasion the suitable air to promote the new Mrs. Blackbeard's social fortunes. At the feast a good deal of somebody else's rum, somebody else's victuals and somebody else's money were laid under contribution. Governor Eden, however, had a peculiarly happy detachment to the minor questions of somebody else's property. That phase of his disposition doubly endeared him to his pirate friend.

But the gold pieces that he sent spinning dwindled anon; little Toby Knight began to bore him and even the Governor commenced to get on his nerves. Respectable shore life was entirely too much for him, so Blackbeard again yearned for the reeling decks and the roar of his

bully boys. With a laudable regard for the proprieties, he gave out that he was putting to sea again on a " commercial venture," and even registered his ship at the local custom's house.

" Salvage," he murmured, looking intently into little Toby's honest face; pressing the secretary's round, fat hand in farewell.

" Salvage," grinned Toby, glad to get even the friendly grip of the sea monster released, and instinctively rubbing his hand slyly on the tails of his flaring coat.

Still delicate, Blackbeard waited until the land faded into the sea line behind him ere, with the feeling that he had had a pleasant vacation and was glad to get back to work again, he threw out his sinister ensign, — the flag of skull and bones. Blackbeard was himself again.

And now there happened that which many of the crew had often fearfully predicted, — the Devil came aboard Blackbeard's ship.

The weather had been threatening for some time, and now, on a late afternoon, the great ocean heaved murmurously beneath the bows. In the rigging the wind fretted and complained, shrilly and more shrilly as though the white-green tumult of the waters was disturbing it; in the cabin below the dark horror of delirium tremens was falling upon the bearded master. On the decks, the mate — doubtless the effective Mr. Richards — stripped his ship for the approaching combat and drove his men aloft into

the swaying yards. Now and then Blackbeard, still the sailor, reeled on his cabin threshold and blurted insane orders to the gale. Whereat Mr. Richards, well accustomed to the storms of wind and waves and delirious masters, slammed the door in his face and laughingly went about his work.

Palely the day expired in the west, and as though they had only been waiting for the night, wind and water strengthened to the struggle and now persuaded a third element, the rain, to join them in the conspiracy of destruction. These three witches began to make the cauldron boil.

Mr. Richards still laughed; his sails were in and he was with the helmsman, sweating to keep the vessel from a fatal lurch.

"What's that sound?" gasped the steersman to his officer, leaning full weight to his work. Forward they could see nothing but the black void and a white wash of sea where their decks and bowsprit should ordinarily be, nor could look in that direction long for the whips of rain with which the screaming winds lashed them.

"The wind," hollered Richards, bending close to be heard.

The steersman shook his head. "No — that!" he shouted.

The gale paused in one of those lulls by which it seems to recover for a effort of fresh fury. And in the second of quietness there rose and fell a long, horrible scream of inhuman defiance.

Richards grinned and pointed with his finger below. Blackbeard was wrestling with the principalities and powers of darkness.

"Who's that?" bellowed the steersman, his momentary reassurance flown. His face was turned with a gaze of inexpressible fear at the gleaming, plunging masts. "There — there —"

Richards peered in the rain-whipped night; peered and shrank back, his mouth open wide and his eyes protruding. He rallied, pulled out a heavy wooden pin from the ship's side and started forward. Within ten paces of the mainmast he stopped, and gathering his strength, hurled the pin with all his force crashingly against the mast. The pin fell into an invading sea and was whirled overboard. But the Thing stood, dark and sinister.

Richards felt the ship getting beyond control of the cowering helmsman. He rushed back in time to save them from ruin; the man had dropped to the deck, a bundle of abject fright. While the mate was still calling for help, the boatswain crawled up on hands and knees and turned an ashen face to his superior.

"There's a strange man," he shouted as loudly as a quavering voice would permit, indicating with a backward jerk of his thumb. "Aloft —"

The Thing was moving about the yards; there was a sort of solid blackness to It that somehow

made It visible even against its somber background.

Turning the helm over to the boatswain, the mate rushed below for his pistol, but when he came back to the deck the Thing was gone.

Richards laughed thinly. "The Devil's signed on with us, boys!"

"Then that's the end o' us," groaned the boatswain.

But the fact that a New Hand was on the ship if not on her articles was not immediately disastrous. For very shortly after that vivid night, Blackbeard, recovered now of his bout, met and took a very fine French ship, which was in so excellent a condition that to call it "salvage" was indeed the very subtlest of piratical jokes.

And the joke was made good, too, when, taking her at once into Ocracoke, His Excellency, with little hesitation, gave her captor a certificate of salvage, accepting as his fee for the certificate some sixty hogsheads of sugar. What the Governor did not use, Toby Knight obligingly allowed to be stored in the Knight barn.

This was the final straw that caused the proverbial fatal accident to the camel. North Carolina, at the end of patience, now flared up, and, ignoring her own corrupt authorities, appealed to the capable Alexander Spotswood, Governor of Virginia, for the extermination of the pest of Ocracoke Inlet.

Virginia heard and responded and despatched

Captain Brand and Lieutenant Maynard, each in command of a small ship of war, to the Carolina coast in quest of Blackbeard.

Brand and Maynard appreciated the size of their job, so they gathered into their crews picked men who were volunteering for the duty, and who would be likely to keep the same zestful lookout for the oncoming terror as does a whaler in fat and profitable fishing grounds for the dark bulk which shall fill all his barrels with oil.

They reached Pamlico Sound, of which Ocracoke Inlet is a part, toward the evening of November 21, and with jumping pulses spotted the masts of the black beast as he lay in wait for prey. Blackbeard was surprised just as Bonnet had been, and like Bonnet spent the night in getting ready for battle.

The Virginians had to lie outside the inlet all night and wait for the morning to light them through the risky channels. When next day they sailed in, Blackbeard, knowing the soundings, was able to make the running-fight pirate tactics prescribed for such emergencies, and blasted Brand and Maynard with his broadsides; and though steeped to the eyebrows in rum, he was at all times the adept and finished sailor.

But the enemy were getting at him, too, and his decks were cluttered with the slain. He was undermanned, having only some twenty men at the time, so that his losses from the attackers' fire left him but a sparse crew to work his ship

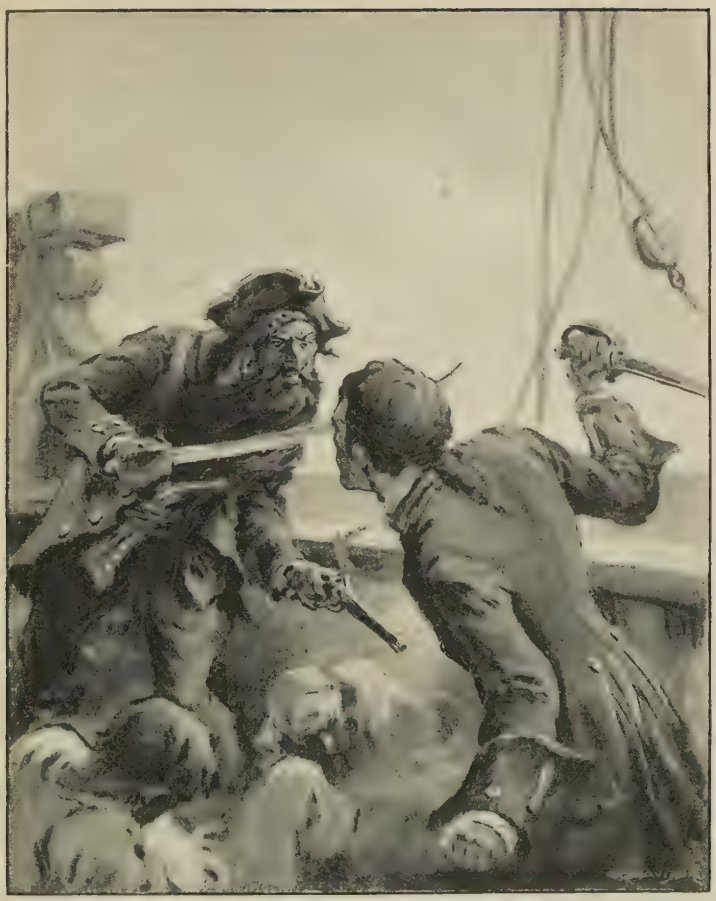
and man eight guns, as well as keep going an effective musketry volleying. There was left but one resource, and that was hand-to-hand conflict.

He got within grappling distance of Maynard's ship, and with his usual ferocity of appearance and manner threw himself and his surviving men into the Virginia's rigging, and plunged, demoniacally fighting, to the decks. For a second the pirates shook their enemy with the shock of the impact, but not long; with that roaring vigor which gave the English-speaking sailors their dominion of the oceans of the world, Maynard's men rallied and an indescribable butchering ensued.

Blackbeard made for the commander, and Maynard met him with equal courage and the added strength which the moral side of the matter always lends a warrior's arm. The arch-pirate's body was open at more than twenty places; but on those heaving, blood-wet decks he fought the lieutenant with the verve of an athlete fresh for the field. A sudden chance and he thrust a cocked pistol straight into his opponent's chest, but before the finger could pull the trigger back, Maynard laid the cutlass squarely across the pirate's throat. He sank to the deck like a slaughtered bull.

It was all over. Those pirates who could, leaped over the bulwarks and swam to the shore, leaving a red trail in the water behind them.

Twilight came down on the sea. Beneath the



He fought the lieutenant with the verve of an athlete fresh for the field. *Page* 156.

shallow waters the bodies of the slain quivered with the motion of the waves as if they were still alive and still struggling, and among them was the headless corpse of Blackbeard.

For that terrible head was hung at the bowsprit of Maynard's ship. All the way back to Virginia the gruesome figurehead swung and dipped and ducked with the movements of the vessel the ocean pounded and played with it and twisted that strange beard into more fantastic shapes than Blackbeard had ever dreamed of, weaving into it the weeds and slime-flora of the sea, and for a last touch washed from their sockets the baleful eyes which glared in the fixed glassiness of death.

CHAPTER FOUR

BACK PAY

Henry Avery

I

Just outside of Plymouth, in the English county of Devonshire, John Avery kept a tavern, under the patronage for the most part of coastwise and deep-sea sailormen. It was a comfortable place, was that inn of good Master Avery, with its sanded floor, diamond-paned windows, clean tankards, and the good ale and victuals that made the house synonymous with home for the parched mariner off in Malabar or his brother expectantly bumping homeward-bound around the bulk of Africa's majestic cape.

A good place with a good landlord, but, alas for perfect pleasure, with a landlady not so good. For while mine host endeavored to drink as much as his customer, leaving the score an amicable affair between gentlemen, mine hostess tallied every drink and clawed every broad penny laid upon the table. And how incompatible boozing and bookkeeping are, every one may be presumed to know.

Jack and his wife had one child, a boy whom they called Harry. Perhaps it was for the sake of her son that Mistress Avery was careful to parsimoniousness, for the parents were resolved that Harry should neither follow the sea nor pursue the occupation of a tavern keeper; he was to be a scholar and a gentleman and thus raise the family at least one higher rung on the social ladder. A straw, it is said by wise people, may show which way the wind blows, and a circumstance which occurred when Harry Avery was but six years old may perhaps suggest his possible fulfillment of his parents' hopes.

For it was when Harry was of those tender years that the ship *Revenge* paid off at Plymouth, the boatswain of which, at the head of some proper fellows, at once started for Avery's tavern, to drink up a stout wallet of extra allowance money. With Jack Avery's company and Mrs. Avery's accounting they soon got through with ten pounds apiece.

During the sailormen's besotted sojourn at the tavern little Harry gamboled impishly among them, swinging sea slang back and forth with them, dancing a mimic hornpipe and convulsing them with the expert manipulation of the most approved sea swearing. They prophesied that he would make a good sailor.

Unhappily all this cheeriness departed with their last groat. Mistress Avery turned sour then and bade them begone or she would turn

in a riot call to the constable. Night was falling when the groggy seamen piled out to the chilly street to seek the shelter of the gloomy *Revenge*.

But that ship, alas, was not in the harbor. They huddled together and stared first at the vacant harbor and then at each other. Marooned, by tar!

They tacked back to Jack Avery's, but that gentleman's shrewish wife met them at the door with the sharp refusal of even a poor night's lodging in the stable. Little Harry, in the prettiest way, interceded for these interesting strangers, but in vain; they had to warm themselves as best they might by stamping through the town the whole night long.

With the morning, however, the *Revenge* came back, and the boatswain led his now embittered flock to the waterside. On their way they were met by little Harry Avery, nimble and frolicsome as ever. He followed them to the boat which had put off from the ship to fetch them, and wished loudly that he might go aboard and away with them.

Whereupon the boatswain had a happy thought. Pushing back his three-cornered hat, he scratched his mahogany forehead in deep reflection. Why not take the boy aboard and thus get even with the hard-hearted Mrs. Avery? Everybody roared with glee when this scheme of revenge was broached. Harry was pulled by a

great fist into the boat, and his sea adventures were begun.

Safely on their way to the American plantations and well out of sight of land, the boatswain produced his kidnapped pal, who apparently accounted the whole thing the very best joke in the world. For a moment the captain glowered down on his peculiar passenger; but when Harry showed how he could roll out two oaths to the boatswain's one, his fare was paid, and the captain looked upon him almost with affection.

So bright a little blackguard was Harry that he stole more and more into the grim captain's heart and twined his wicked little fingers still more firmly about the skipper's starved emotions. A tiny hammock was made for him close by the captain's bunk; he was allowed the run of the ship, and the cook was admonished to keep for him the least weevily or oaken portions of the menu. It was a charming sight to see the small chap, perched on a coil of rope, in blasphemous competition with the admiring skipper.

There is no telling how far this friendship might have gone, or whether the captain of the *Revenge* might not even have adopted him for his own son, had not an incident, as they neared Carolina, severed the comradeship sharply in two. Harry was caught in the act of putting a lighted match to the powder magazine; just an inch more and the ship would have been nothing but a few broken spars and gratings drifting

haphazardly upon the sands of the Carolina beach.

The captain tured nasty right away. He banished his little pet into the hold, down among the bilge and the rats, and kept him there till they made port. Rather unkindly he gave the boy to a Carolina planter, — unkindly, of course, not to the boy.

It took the planter three years — for he was a man of monumental patience — fully to realize the nature of the gift; and as he could not wish Harry off on anybody in the colony, the boy's talents being pretty commonly known, he did the best thing he could and sent him back to England.

Old Jack Avery had died soon after the boy's leaving England, — some said of a broken heart. What contact Harry made with his mother is not recorded, but it has become a matter of history that young Avery grew up a rogue, and at length, finding the land too hot for him, sought the cool and obscure promenades of his first element, — the sea.

If he belonged anywhere it was to the sea. He even qualified as a navigator with the rank of first mate. In the sixteen-hundred and nineties, the Spanish Government made a bargain with some English merchants to hire coast-guard ships for its troubled South American colonies. Sir James Houblon and several others outfitted a couple of brigs, the *Charles the Second* and the *James,* for

the Spaniard's business, and it was on the former that Avery was signed as first mate.

Thereafter things came about which made a matter for the King's court of Old Bailey, sitting in admiralty. Among the persons involved was an ancient mariner by the name of William May, who on his trial has left us a story of the wickedness of Mr. Avery. Unfortunately Harry Avery was not brought to account for his crime, nor, so far as we are aware, for any piracy, but slips from the pages of history with these things unrecorded, probably to end his life as one, not the least evil, among the buccaneering hordes of the Caribbean.

II

Look at the sad plight of me, old Bill May, for thirty-five years in the service of my king and country! Here I lie in the hold of Newgate Gaol, condemned for a pirate and a-tremble like a loose sail in a gale of wind every time the sheriff comes in to read off the list of those appointed for the day to die.

My right forefinger and the top of my thumb I lost just thirty year ago when Admiral Tiddiman fought the Dutch in the harbor of Bergen. On the *Hector,* Captain John Cuttle's ship, I was. We ran afoul a Dutch broadside, and down we went like a tub with a grindstone in it. Only a score of us came up again, and me, with my maimed hand, had to swim more than an hour for my life.

A man who has given his limbs for his country to be stretched at Execution Dock with no more to do than if he were a common picklock! Ah! what a port has old Bill May's ship come to at last!

It does not become a man who has fought for England to whine at the king's court. But charity begins at home; and from a kindness to the respectable name of May I am taking a quill in my fist to set out in order the things that brought

me here — and shouldn't have — which things the lawyers confabulated me out of properly telling at my trial.

The way the long-gowns [1] talked you would have thought they and not we were the ones to be hanged. Begging everybody's pardon, I ask who ought to do the most talking — accuser or accused?

His Lordship, Judge Holt — who was master of the court — was pretty fair, but those king's counsel blasted the whole dozen or more judges with words, words, words, till I looked to see them all blown through the wall of Old Bailey — and the big bench with 'em. Half the time those lawyers didn't speak a man's English, but yammered in a foreign tongue, calling us names we knew not what. Some of it sounded to me like Portugee.[2] Jack Sparkes [3] swore from keel to truck it was Irish. But when we came to talk, how was it then?

" Speak to the point, my man."

And, " What have you more to say? "

If we had had anything to saw, how could we have said it with no lawyer to pilot us over the law language and to throw outlandish words back at our prosecutors?

Nay, more. From jury to judges they were all land crabs. Asks Judge Holt —

" What do you mean by ' conning a ship? ' "

[1] Lawyers.
[2] Law-latin: *"Hostes humanis generis"*, etc.
[3] A co-defendant.

Begging their honors' pardon, I ask, Could that be a fair trial for sailormen? A baby at the breast ought to know that conning a ship is a-steering of her.

Did I have to ship on the *Charles the Second?* Was I pressed? Never has the press-gang picked up old Bill May when he was sober. How often have I led the gang myself! Who was it grabbed half a score knock-kneed apprentices for the *Hector* and other of the king's ships under Admiral Tiddiman? Only Bill May, the pirate.

No, indeed. Captain Brake of the *Wave,* East Indiaman, was begging me to voyage with him to Calicut, but I said, " No, here is Sir James Houblon outfitting *costa-gardas* for the Spanish South Americas; here," said I, " is where they need men who can keep an edge to a cutlass, and where I am wanted there I always try to be."

I was wanted at Bergen against the Dutch thirty year ago, and there I was — as witness my finger and thumb.

Very well, then; here is the start of the affair.

Mr. Don Spaniard could not keep a strong hand on the pirate people himself over in South America, so he comes to England to hire ships and men to go out and help clean his coasts of those pests. Sir James Houblon and some other merchants strike a bargain with Mr. Don Spaniard, and fit out the *Charles the Second* and the *James.*

I was lying alongshore getting my mind ready

to sign with Master Brake on the *Wave* when I heard this Spanish affair talked about in the "Pig's Head", Bristol. As I say, Bill May is never too old to fight on a good side, so I made for the docks straightway and offered myself to Mr. Gibson, master of the *Charles the Second.* An old Navy man he was, and knew me in the past, so he gave me his hand and the rating of quartermaster.

Henry Every [1] was first mate under Captain Gibson, and Mr. Gravet was second mate. A new man to me was Every, but a pleasant, merry one, about forty years old. Not even, though, in his mind. Why he would stand by me while I was at the whipstaff [2] and make me laugh like to throttle myself at the quips that came from him as shot from a well-greased ten-pounder. But a minute later he would be cursing the sea, ships, sailormen and his own hard luck. Time and again he said to me —

"I'm a man of fortune, and my fortune I'm going to make."

Queerlike, he spoke, and queerlike I took it. But I never dreamed he was meaning to do a mischief to make his fortune.

Born for the sea he was, and knew a ship like you know the palm of your hand. Hard, too, he could be; I have seen him knock a man to the deck and never leave off laughing.

[1] Old spelling for Avery.
[2] Helm.

Strange laugh he had; up in the back of the nose, as it were, and panting like — sort of a snorting. Between us, though, there was no trouble; Henry Every always said I was the properest quartermaster he ever shipped with. He couldn't bear Gravet; they did not hitch, though nothing outwardly passed from one to the other.

Our orders were first for the Groyne[1] in Spain, there to get instructions and supplies. The *Charles the Second* and the *James* left England in the autumn of 1693, and about the new year following we dropped our anchors in the Spanish port. Bad weather had made a job of slow sailing and hard pumping all across the Bay of Biscay, but we cheered ourselves with promises of ease when we should come to the Groyne.

All hands had four months' wages due them when we came to port, but not a mother's son of us could get a penny piece from the commander. The Spaniard is as sluggish in money matters as a waterlogged ship with a broken mast.

There grew to be a lot of hard feeling on both ships, and the two captains, Gibson and Humphries, were much pestered to their faces and much abused behind their backs. I could not see how they were to blame, but they were the only ones the men could look to for their pay and so they had to bear the siege. January came and went; February came and went, March came

[1] Old name for Corunna.

and went, and April likewise; and not a smell did we get of coin, either Spanish or English.

The sailors at length quit going ashore to be jeered for their poverty and taunted for their misfortune, but moped about the decks and fought with one another, and altogether got to a mischievous turn of mind. Every and Gravet gave plenty of way to each other, while as for my old commander, Captain Gibson, he broke with the worry of it all and took sick to his cabin. Little winds blow ships into strange ports; if the Don had met us with our pay old Bill May's neck would never have been hauled upon like a mainsail.

III

If the men had a friend among the officers, it was Mr. Every. I thought to see him turn sour with this slow making of his fortune, but not he; the farther into the doldrums we got, the higher he flew his topsails. He praised and petted the crew, spent some money on them, went ashore with them and even made chief cronies of a dozen or so, of whom I am sorry to say that some of my fellows in this condemned hold were a part.

He loitered, too, a good deal over on the *James,* which barnacled a few lengths from us, and made as good friends there as he did on his own ship. When the month of May began, there was always a confabulation going forward, with Mr. Every in the middle of it and certain chosen ones about him. And all the time my old commander lay grievously sick in his bed.

How could I have any idea Mr. Every was stewing a mutiny? Yet so he was. On the 30th of May, in the year 1694, I was at evening in my cabin, thinking of home and wishing I had my wages to send to my poor, good wife at Bristol. At between ten and eleven of the night I felt the ship move.

"Ho!" thinks I. "What does this mean?"

I rushed out in my shirt and stockings to the under deck and from there up the hatchway. The wind hit me full in the face, and I could see the lights of town dropping astern.

I stuck my head up over the hatchway; there was Every conning the ship.

"Breakers ahead!" thought I. "Yaw away, old Bill May, afore you strike."

Every saw me at that minute.

"You, May," he roared, nasty, "I believe you do not love this way; get down to your cabin."

But see what the king's evidence said about me. One Creagh, a dirty wretch, and now a prisoner right in this gaol for treason with Captain Vaughan, and one time aboard the *Charles the Second,* witnessed that at this going-off of the ship, "I met with William May, the prisoner at the bar. 'What do you do here?' says he. I made him no answer but went down to my cabin, and May swore at me and said, 'You deserve to be shot through the head,' and he held a pistol at my head."

Can you imagine a man who has fought for his king and country being a party to the crime of stealing the ship of a fellow subject? Not only that. The ship's carpenter was a ringleader with Mr. Every in this insurrection, and Creagh — may he be eaten alive with weevils — swore the carpenter said in his hearing —

"Old May I can trust with anything; he is a true cock of the old game and an old sportsman."

Was ever such a farrago told in a king's court?

Me, an old bird at the pirate game — me, an old sportsman — me, who would not demean myself to wipe my boots on that carpenter's neck! Sam Parsons, who is now in Virginia, was standing by when Every drove me to my cabin, and he would swear to my truth.

But does the king call him? Nay. But such treasonable scandalizers as Creagh — they get the run of the deck. Would the king, begging his Majesty's pardon, bring a witness from Virginia to save a poor sailor's life? Ask him!

I could not stay down in the cabin for thinking of my old commander and what might be happening to him. I almost cried for my old commander. At the risk of my head I went to his cabin. Two men stood guard at the door with naked cutlasses; I begged leave to go in, and at length they allowed me.

Oh, my poor old commander! He was red with fever, and the chirurgeon was anointing his temples. He got out of bed and began to dress himself, with me there to lend him a steadying hand.

"Ah, faithful May — " he was saying, when in came Mr. Every, smelling of grog, and with a most impudent look.

"I am a man of fortune, Captain," he said, making a bow, "and my fortune I must seek."

"I am sorry this happens at this time," said my poor old commander.

"Come with us, Captain, and you shall still have the command," replied Mr. Every.

Says Captain Gibson:

"No. I never thought you would have served me so, who have been kind to all of you; and to go on a design against my owner's orders I will not do it."

"Then," said Mr. Every, "prepare to go ashore."

What honest sailorman would not be plowed in his feelings by his old commander's plight? Should I have been ashamed though my tears dropped upon the captain's trembling hand? He looked kindly upon me as I stood there still in my shirt and stockings.

"Go, faithful May," he said at last. "Nothing will avail now."

IV

I went back to the deck to get my bearings. From one and another, so far as the tumult which was on the ship permitted, I made out that the taking of the *Charles the Second* was in this wise:

Mr. Every, using the common grief about the wages to serve his turn, made fellow-plotters of some score of men, both in the *Charles the Second* and the *James*. The night having been picked out on the calendar, it was agreed that at a given time by the clock one from the *Charles the Second* should go to the *James* and say that the *Charles the Second* was being run off. The officers of the *James,* it was expected, would order out the pinnace in pursuit, when the friends of Mr. Every were to crowd forward, fill the boat, and make for the *Charles the Second,* where instead of arresting her they would turn to and haul together with their companion miscreants of the *Charles the Second,* who in the meantime would have seized the ordnance and ammunitions aboard our ship. The cables of the *Charles the Second* were to be cut, all but two of her boats turned adrift, and her sails shaken out loose.

Things went smoothly according to plan. At nine o'clock one went from the *Charles the*

Second to the *James*. At the head of the gangway of that ship he found Mr. Druit, mate, on watch. Says he to Mr. Druit —

"Have you seen the drunken boatswain of ours aboard your ship?"

"No," says Mr. Druit. "Isn't he aboard of you?"

"Nay," said the villain conspirator; "he's not aboard, but mischief is."

He leaned close to the mate and whispered —

"They're running off with the *Charles the Second.*"

At once Mr. Druit bellowed for the pinnace to be got out, which, of course, merely gave the ruffians their cue. Twenty-six men, laden with their hammocks and sea gear, immediately rushed forth and manned the pinnace.

"Here — here —" cries Mr. Druit, seeing a wicked game going; but the rascals had their oars in the water and made off in the dark, swearing and singing.

Thereupon Captain Humphries, of the *James*, rushed to the rail and shouted through his speaking-trumpet that his boat was being stolen, to which Mr. Every, likewise through a trumpet, impertinently answered he knew that well enough. So they came to our ship and knotted themselves together with our rascals.

No sooner had the runaways from the *James* thrown their hammocks to our deck than light sail was set, and we stood out of the harbor, this

being the motion which had first brought me a-running from my cabin. At eleven o'clock the topsail was braced back, and we lay to. Mr. Every, who now called himself captain, sent word about the ship that certain ones were free to leave in the pinnace of the *James* if so they chose. Men of spirit, he said, would stay by the ship and collect their back pay. And he laughed.

V

Right here is the kernel of the case. Did Mr. Every pick the men who should go ashore if they wanted, or was that liberty given to any one? If Mr. Every picked out the people to go, then we who stayed were kept against our wills, and are innocent; if we could have gone and did not, then we are guilty.

We had been acquitted on our first trial for piracy of the ship *Gunsway,* and I am talking now about our second trial, of which the theft of the *Charles the Second* was made the charge. Hence the king must prove that we were parties to this latter crime. All the king's evidence swore that any man might go who would, — except the doctor; all of us prisoners at the bar stuck to it that none could leave but by Mr. Every's say-so.

And whom did the king call?

Creagh. This fellow was one who left the ship when the boat went away for shore. Was he therefore a good, an upright, an honorable man? If he had been, would he have associated himself afterward with Captain Vaughan and gone over to the king's enemies with Vaughan's ship, for which very crime he lies manacled with us? How truthful must he be!

Gravet. He too went from our ship; but he was so busy at his going, begging Mr. Every to let him take his sea coffer and his clothes, that he had no means of marking much else that went on. How then did he find time to know so much about my deportment? Says he —

"When we had liberty to go out of the ship, this man May took me by the hand and wished me well home, and bid me remember him to his wife; and was very merry and jocund, and knew whither they were going."

Merry and jocund, and a knowing accomplice! What proof had he that I knew whither we were going? Who but Mr. Every and his ring knew that?

Creagh and Gravet, these two are all that went to the matter of my part in the plot, and Creagh may be discounted for a born liar, trying to serve his ends in his pending treason trial by convicting honest men, while Gravet — even if he told the fact concerning our parting — offered no proof beyond his thin statement that I "knew whither they were going." Yet when you get down to the bone, I was convicted and handed to the hangman on those five words.

But, say some, how can you explain your being on a mutiny ship, stolen and making off for sea? I claim that Sam Parsons can bear me out touching Mr. Every and me, but Parsons is in Virginia; and there, for all the king cares, he may stay.

Alas!

My poor old commander, Captain Gibson, was lifted into the pinnace, where some seventeen or eighteen men were already gone, and who, when we had tossed them a bailing bucket they cried for, shoved off for town.

Let me ask any man of fair mind this question: How could a hundred men, had they wanted, have gone off in a ship's pinnace?

When the boat had left we began the business of the ship and, hauling into the wind, made haste to leave those parts. I was deposed from quartermaster and a willing villain put at the whipstaff in my stead. More than half of us knew nothing but that we must be upon unlawful occasions.

The ship thieves were not fifty men, all tallied; yet with their control of our ordnance, fusees and small arms they could terrify the remaining hundred people into obedience to their horrid designs. Less than one in ten aboard could read and write, being for the more part ignorant seamen, easily deceived and commanded. Not only did Mr. Every and his wicked fellows steal a ship, but they kidnapped a crew.

VI

When we sailed from the Groyne we had a deal of bread and a couple of hundred pair of woolen stockings; but, wanting beef and more bread, we stood for the Madeira Islands. The evil disposition of Mr. Every quickly showed its true kind, for we were sent aboard three English ships which lay at the islands and looted them under the pretense of giving receipts for the things we took, with promises of future payment. Mr. Every laughed a great deal at this.

So too he laughed at our operations on the coast of Guinea, whither we went from the Madeiras. We sailed into Guinea Gulf under English colors solely to entice the poor, trusting negroes of the country aboard, who, when they came supposing we were to trade with them, were despoiled of their golden trinkets and thrown, chained together, into our hold.

These captives we took from the mainland over to Prince's Island, in the gulf, and marketed them with Dutch settlers. When it came to bring them up on deck we found the dead and the living sometimes chained together. It was a very great horror.

Being now a proper pirate, Mr. Every at this

Prince's Island fought two Dane ships. We fair surprised them, not a few of their men being alongshore. We ran to leeward of the larger one and, opening our ports, bit into him with twenty guns, the blow of our shot shaking two Danes out of the shrouds to their deck, like a couple of ripe plums from a tree. With good spirit the merchantmen made what shift they might with their half-dozen small pieces, but a musket shot killing the captain of the one we first attacked, both ships gave in.

Our brave show and talk so affected some of these Danes that a score of them signed on with Mr. Every. Our one broadside so damaged the Danish brig that Mr. Every set her afire, and we stood by, watching the burning and cheering whenever a canister of powder blew up, Mr. Every standing on our poop, the red of the flames glaring on his face, nodding his head and laughing with himself.

The smaller vessel we took with us, Mr. Every expecting to make himself a great admiral at the head of a great pirate fleet, though for sure it smirches the noble dignity of that honored title to give it to a miscreant so black.

Many folk — not a few of them of the highest fashion — have come to Newgate Gaol to see the notorious Captain Every's men, as if forsooth our feet were cleft like a goat's or horns were hid beneath our forelocks. Some of these have said it was not ingenuous for us who served by com-

pulsion thus to engage in these villainous combats and sinful traffickings with slaves. Why, say they, did you not flee from Mr. Every at the first chance and return to England to make discovery of his crimes?

There was no first, middle or last chance.

And what a ship it was! In place of discipline there was a disorder very afflicting to an old king's man. Each man counted himself the equal of the other, and although Mr. Every was a hard man and quick to strike, he was submitted to only because he was a navigator, and none could take the ship so well as he.

But he could make no general move without having first a consult in which all hands took part until the confabulation sounded like a tree full of crows. We called a vote on everything, — the next place for depredation, the punishment of offenses aboard ship and the amount of plunder each man should get.

This last was a bone for the dogs to growl and bite about, I can tell you. Newcomers like the Danes were for having as much from the bag as the men who had stolen the ship at the Groyne.

"Nay," said these; "not so, for we brought you the ship, and you give us nothing but your hands."

"Good," quoth the recruits. "Then we can take ourselves off and you may have your ship and be hanged."

Thus the tree forked and on its opposite branches bore fruit of bitter will.

The small Danish sloop we were taking with us from Prince's Island made early harvest of the animosity among us. Mr. Every would keep her as a tender; others were for selling her so that they might paw some money.

"If you sell her," said certain ones, "what will be the shares of each?"

Thereupon the quarrel flared up, and nothing could be agreed except that Mr. Every should have two shares; that is, if the highest share were one thousand pounds, Mr. Every should get two thousand pounds, but as to the rest there was no concord; the argument being as sharp as if the money for the sloop were already in the quartermaster's coffer. The Frenchmen recruited at the Madeiras were for the arbitrament of the dirk, seeing which — and that it was time to act — Mr Every ordered the twenty-pounder shotted and trained on the sloop. He cut the towline and said, "Give it her betwixt the wind and the water," and thereupon old José, the Spanish gunner, hit her so neatly beneath her lowest ports that she was not atop the waves more than fifteen minutes.

"Rather she sink than we," said Mr. Every to the men, who now began to see that if they could not agree better the whole enterprise would be ruined.

VII

We turned Cape Lopez, and stopping for water at Annibo,[1] ran onward to the Cape of Good Hope, where we took a small coasting sloop, rifled her and let her go. Thence we came to Madagascar, where we made some stay. I had been here many times before in honest ships, and it was with shame that I now came in with this unlawful company.

Not that there was anybody there whose rebuke I feared, for Madagascar was the wickedest place — outside the West Indies — in the ocean; but I was not easy for thinking that I was now one among those whom I had regarded in times past as malefactors. Three years had passed since my last visit, and piracy had swelled so much as to become a very great evil.

I saw, too, so many more pirating fellows from the West Indies, for the more part Englishmen hailing first from the American provinces, but so outlandish looking a tribe one would never have known them for our countrymen except by their speech, they affecting a Spanish style with bright silk sashes, silk shirts, ruffled breeches; many wearing earrings, and not a few with heavy gold chains about their necks, the true fashion of

[1] Anamaboe.

Caribbean sea robbers. Verily this place had become the very metropolis of rascality, the base for criminal cruises all the way to the Gulf of Aden and the coast of India.

Mr. Every could not come the Maderia game here but had to pay for the provisions he bought and the cows he purchased to slaughter and salt up, for none trafficked here save with a naked blade in one hand and the price in the other.

At Madagascar I took the sickness which even now afflicts me and has reduced me to the poorest state of body and mind ever a man fell into. I was too old for junketing about with pirates, being past sixty years of age, for the long deprivations and exposures of my life at sea — the inclement weather and the intolerable food I had had to endure — made me fit rather for a cottage in my native Mendip Hills, in the parish of Cheddar, rather than in so tan-chasing a fly-by-night company as cruel circumstances had put me.

The ship's doctor found at Madagascar the chance to quit our way of life and fled the ship, leaving me and a number of other sick men to suffer in our cabins, helpless on the hands of people who were more drunken than kind-hearted. How often have I lain on my bed and watched the cook, unstable with rum, tacking and yawing at my threshold, likely on an instant to founder and cast the kid of hot meat upon my head!

Just before we left this wicked and riotous island, one of the Caribbee pirates — an Englishman first from Boston in New England — brought to me the doctor of his ship; a sharp rascal who was sought in his own country for many crimes. This fellow bled me in two ways: one for my good with his lance, the other for his good with his pilfering fingers, for in mauling about my body he slyly stole thirty gold guineas from my belt. He said I ailed with the putrid fever and the dry bellyache. He found me with two diseases; he left me with a third, a burning rancor against the villain which can never be eased save by bleeding; and I have long carried the leech which can suck deep of his venal blood.

Mr. Every now made sail for Joanna,[1]

"Here," thought I when we anchored, "is a quiet place for old Bill May to die, happy that his last breath should not be drawn on a ship stolen from his king and country."

With some other sick ones I was put ashore on the beach at Joanna, where they laid us out in a row under the trees, Mr. Every deputing a few men to attend upon us. I was now quite helpless, remaining useless of hands and feet and despairing of my life. In some peace we stayed there all that night, but before noon of the next day three large ships hove in sight — East Indiamen — and Mr. Every, in the greatest fright of being

[1] In the Comoro Islands, Mozambique Channel, off the Madagascar coast.

surprised at the roadstead with half his crew ashore, ordered all hands on board and to bring the water kegs and the sick with them. They came with a great running and bustle to carry me away; but said I —

"Leave me here; I have no stomach to fight those three ships; I prefer to lie here and trust myself to my fellow countrymen or to the mercy of the island negroes."

There being no time to confabulate, the men rushed for their boats without more ado, and soon the *Charles the Second* was hauled to the wind and off like a hare before the hounds.

The Indiamen came to anchor and made a great business of bringing kegs and barrels for water, boats plying between the shore and the ships. I purposed to apply to them for a passage from this lonely beach and a refuge from the wicked Mr. Every, and so made me a crutch, as is were, from the bough of a tree and with it very painfully I crawled to where the work was going forward.

A fat man with a red face and very white hair was commanding, whose name, a sailor told me, was Captain Edgcomb. To him I applied to be taken aboard his ship, but he — on my confessing I was from the *Charles the Second* —gave me scurrilous language, abusing me before all the people, and vehemently swearing that he would give me passage to Bombay — and there to the

hangman. Thus the naughtiness on our ship had become the talk of all the world.

"Aye," said I, "Captain Edgcomb, sir, rather would I go down with you to Bombay and die according to the law of my country than perish here at the hands of these heathen blackamoors, or among evil pirates."

He turned away to his work, rumbling in his throat like the end of a thunderstorm.

But others had compassion on me. As they came and went with their water casks some humane men brought me one thing and another to refresh me, encouraging me also with the promise that I should go away with them. At evening the last load was taken. In that boat were the doctor and the purser, both of whom said the captain would send for me to come aboard.

"I am quite ready at any time," I told them, "for all I have in the world is the clothing that hangs to my back."

So very hopefully I sat me down upon the sand and watched the sun go down to his rest beyond the far sea line; but more I gazed at the masts and yards of the three ships which stood out so bold and black against the red sky. "They will come soon," thought I, "for they are getting ready to go," the men being in the shrouds and out on the footropes.

When it grew dark, lights jumped from porthole to porthole as the men went about the decks setting out the lanterns. I should guess the time

to have been past midnight when the anchor chains rattled and the capstan creaked and the chant of the people working it and the clatter of their bars in the drumhead sockets came across the water. " They will be here anon," thinks I, and I got down as close to the water as I could, that they should lose no effort when the boat came in for me.

But it did not come. Perhaps it was one o'clock when the ship's lights began to move away — away and away until they went out altogether, and only a long, thin lane of moonlight lay in the wide, empty waste.

My feet felt wet; I looked down and found I was standing in water up to my knees.

How hard is the sea!

VIII

I crawled up the sand and lay stupidly all night, nor thought — nay hardly wished — to see another morning dawn. The blackamoors that rampaged in this island would surely finish me if disease did not, though indeed some had been along the beach when we came in and did us no harm.

Toward noon as I sat under a tree feeling indeed that I was sinking to my end, there came one of the negroes to me. He was a very tall man with a sort of twisted face, the jib of his chin being thrust somewhat to the side rather than in front, which did not make him look pretty. But he wore breeches and a torn shirt, while in his belt was stuck a sailor's dirk, which was a great wonderment to me. If he were a vulture he should find but bony carrion.

"Hello, Jack!"

I opened my eyes, sure now that the fever had got to my brain.

"Who be you?" I asked, not believing that my ears heard English from a native negro.

He leaned back with his hands on his hips and laughed at my astonishment.

"You know Bednal Green,[1] Jack?"

[1] Bethnal Green, now in the limits of London.

Bednal Green? Aye, Green's the name and green's the word. Green! Oh, for the leaves, the grass, the young buds of spring; just one handful of those was worth more than all of those yellow sands, glaring waters and banana skies! Bednal Green! The very word — the name — was like cold water on a gritted tongue! Bednal Green! Aye, had I the choice between the eating room of the "White Duck" Tavern and the palace of the Grand Mogul across the water in India, there would be no bargaining. Did I know Bednal Green!

"Aye," said I, "very well."

"You have ale at him White Duck?"

Ale at the White Duck — the very place that was running in my mind! I knew then that I was dreaming; that I was out of my head and that I would surely soon die. Verily I had drunk ale in the White Duck; drunk it often of winter mornings when Mistress Brown, in a clean apron, kept the coal fire bright in the grate, and the carters from the country, leaving their wains outside, came stamping in, blowing upon their finger tips and shouting the gossip of the frozen roads. I lost myself in a sort of swoon.

When I came back to my senses I was lying in the old hut of a fisherman, and the big black fellow was fanning my head with a bundle of broad leaves. He must have carried me in from the beach; an easy job, for I was all skin and bones, and he was a giant.

When he saw me open my eyes he bade me fear nothing, that I was in his house and the people of the place would do me no harm. He said that I might call him Jim.

Jim nursed me like I was a baby; he gave me food and drink; he tried to keep me cool at noon and warm at night, and all without pay, for not one penny piece of my few remaining coins would he take. His was just a heart of good will. And in between whiles he told me the strange story of his life.

He had gone to England from Africa on a British ship a long time before and had made his dwelling in London, particularly in this suburb of Bednal Green, where he turned his hand to one thing and another wherever there was need of a man of strength. At length, being of the mind to go to sea again, he had left England in the ship *Rochester* — I knew her very well — bound for the Indies.

But off Guinea they fell into a sea fight with a Frenchman, and were very hardly pressed, their enemy having more guns and men than they. Resolving to make a struggle to the finish, the captain of the *Rochester* — probably to keep his men from fleeing — ordered Jim to cut the longboat adrift from the stern of the ship. Jim went beyond his orders, for after cutting the rope he stayed in the boat and made off with it under cover of the gun smoke.

He had not got a mile away when with a great

noise the *Rochester* blew up, her powder having exploded by accident. He made his way to Guinea and from there, on one ship and another, he had slowly worked his way to this place of Joanna, where he had a mind to settle himself among the native people.

"Why," said I, "are you so kind to me?'

To this he replied that he had a kindness for plain sailormen; that they suffered much on their ships at the hands of hard masters, and many had, out of their little, often supplied his wants.

For eight weeks black Jim thus cared for me, — a poor, forlorn, marooned seaman, and a sailor's blessing rests upon him. I owe him my life.

At the end of that time he came one day into the hut and said that a ship was standing in. He had brought my strength up so that I could now walk a little, and I went out into the sunshine and there, sure enough, was a ship, — and it was the ship of Mr. Every. He had evidently come again for water.

Here then was a puzzle for me. Should I go back to him or stay with the good Jim and his people? I am an Englishman and not an African; I would be home again. Jim could not come down to the beach for fear of being taken as a slave, but he and the natives fled back into the island. I bade him good-by with all my heart, — the only friend I was to find in thousands of watery miles.

Mr. Every was down at the boats.

"Hallo, old May," he said. "We thought you must be dead by now; that the sickness had taken you. You must have been born to be hanged!"

IX

Getting out to sea strengthened me a little more, and I took heart, though the evil associations of the *Charles the Second* pained the conscience. Very small scrapings had fallen to them since they had left Joanna, and the mood of the crew was sour.

However, they parliamented together and voted to go to the Gulf of Aden to find Moorish ships, and perhaps waylay the rich fleet of Mocha, whose movements they had learned of at Madagascar.

" With that," said Mr. Every, " we shall make our fortune ", — fortune being a great word in his mouth.

In those regions the sun is cruel. As we drew on to the gulf the heat lay upon us like a smothering blanket; nay, like many blankets, so that the very air one breathed seemed to sear the throat; we went about our blistered decks nearly naked — to put your hand on one of the guns was like laying it on a hot oven — and Mr. Every sprawled under an awning that was rigged over the poop, drinking bomboo [1] and wishing he had made his fortune and were living in a fine house

[1] Grog of limes, sugar, etc.

with a fine wife in England. Nor had we the comfort of looking toward cooler waters, but every day drew farther and farther into the furnace.

At the mouth of the Red Sea — red is the color of flame — we fell in with two ships that were on the same account as we, and the morning after meeting them met three more ships of bad intent, some being Englishmen from America — Captains May (no relative of mine) Farrel and Wake — until you might have supposed a parliament of pirates was meeting. We were all there for the Mocha fleet; but after riding together a night or two and exchanging visits we separated, each captain having his own notion of the place where the fleet we sought would pass.

But wide is the sea and many are its paths, and the Mocha fleet slipped by us all in the night of Saturday. Next morning the men held a general consult as to whether we should follow them or not, and after a great dispute as usual, a vote was taken which fell for pursuit, and so the Sabbath was desecrated by a wicked chase.

At sundown we came upon a lagging ship of the fleet and took her without a fight, and with her something of gold and silver, but no great sum. We put a prize crew aboard but soon called them off again and left the ship to go her voyage.

There was enough profit in this plunder to cheer our people, and they became hungry for more. A few days thereafter we spied another

sail and, getting up our anchor, stood to her. Before we came up to her a haze fell over the sea, which presently turned to a thick fog, thereby favoring Mr. Every's enterprise by allowing him to get close and make a sort of surprise.

When nigh enough we sent a shot across her bows; but she, fearing that we were a lawless ship, refused to heave back but hauled to the wind and made off. With the breeze on our starboard quarter, despite the fog we kept her in sight; and, being the better sailer, we drew down upon her, so near that we made her out to be the *Gunsway,* East Indiaman.

Mr. Every now yawed his ship occasionally as he worked for the range; but they opened first at us, giving us a load from their stern-chasers, which split our larboard foreyard arm and might, had it been a little cleaner break, put us out of the pursuit. Mr. Every replied with our bow-chasers, which we learned afterward did them little hurt.

Our captain, wishing to get the range for his broadside more quickly and the *Gunsway* beginning to show a chance of escape, we put our helm down hard, and, coming athwart the bow, fell foul of the *Gunsway,* so that our larboard cathead was abreast her starboard gangway. Here we fought muzzle to muzzle — they with brass cannon, we with our iron ones — as pretty a fight as ever I saw since the days of the old *Hector* and the battle of Bergen.

If we had had to fight it out in this fashion the event might have been uncertain, but Mr. Every — who as I have said was a fine seaman — cunningly disengaged his ship and managed to back her clear of the *Gunsway* and then, bearing up under her stern, let go a broadside.

That finished a fight which could not have been longer than an hour. The Indiaman put out the white flag; nor could he do less, seeing his hull and rigging were badly hit and ten of his men lay dead about his guns. Half a dozen of the pirates were killed and not a few wounded.

During the battle I hauled ammunition and dragged off the wounded to the hold, — to shirk here would have been to buy a quick end to my life.

Over the bulwarks of the *Gunsway* our villains poured and ran greedily about the ship, looking for loot. Presently a great shout went up, and four men ran from the master's cabin bearing brass-bound coffers, — the ship's treasure.

Somebody with an ax smashed the fastenings, and over the decks there spilled great piles of gold and silver coins; of pieces-of-eight, for instance, we afterwards counted not less than one hundred thousand. Add to this the same number of chequins [1] and you can see that Mr. Every had made his fortune.

The pirates went mad with delight; some danced upon the money, some threw themselves

[1] Sequins—worth about $2.25.

on the deck and tossed and fingered the coins like children playing on the sand; while as for Mr. Every, he stood leaning upon his cutlass, looking down at the shining heaps and laughing.

Nothing would do the men but to divide the spoil then and there, and the average share was worth one thousand pounds apiece. Five hundred pounds were given me, though I had been sick, useless and more of a hindrance than help.

Though this was the wrong sort of saltwater money, I perforce took it, being in no mind to have myself marked among them. When they had stripped the *Gunsway* of everything that could be carried off, they left her to go on to Surat with her sad tale of crime.

X

With so notable a felony on their souls, all felt that the time had come to leave those regions entirely. We set off for the Indian coast, from which it was designed to go to the West Indies. A large body of men, however, resolved to leave the ship at India; and twenty-five Frenchmen, fourteen Danes and a company of Englishmen were there set ashore at their desire. For they were afraid if they came to England and were caught, they should be hanged, and they thought themselves more secure among the pagans.

Mr. Every set off for the West Indies with a light complement, and attempted no piracy during all that long and wearisome way. We watered at one or two places, including Ascension, but made no long stop until we anchored at New Providence.

As we came to this port we were at a loss to know the kind of welcome that might wait us; so when we anchored we held a consult, and one who was a clerk drafted a letter to the governor of this Providence Island, setting out that we desired to come into the town, find anchorage and have the liberties of the place, for which the men would present the governor with twenty pieces-

of-eight and two pieces of gold, all told, and Mr. Every, because he had a double share, offered for himself forty pieces-of-eight and four gold coins.

One Adams was our ambassador, who with a few of our men to form a sort of honor guard went ashore, while we lay by waiting the result. Our messengers soon came back with a letter from the governor, saying that we were welcome and could come and go again when we pleased. Thus for sixty pieces of silver and six pieces of gold we bought the keys of the town.

Here the adventure so wickedly begun at the Groyne ended. Most of our people scattered themselves about these West Indies, where they found great hospitality for pirates, particularly at this New Providence, which rivaled Madagascar for folk of this complexion.

Mr. Every made a great friend of the island governor and gave all the promise in the world of becoming one of the leading malefactors of this region. Here he found the things he liked, for from these parts real navies of buccaneers set out to harry the Main itself, the American provinces, — everywhere, even, as I had seen, over to the far shores of Africa and India.

As for me, with the money I had from the *Gunsway* I bought passage on a ship going to the Virginia plantations.

"Farewell, wicked ship and wicked men," thought I as the Virginia vessel passed by the

Charles the Second at her moorings. "Farewell," said I, gazing at the empty decks on which the sun lay white and hot; "good riddance, and may you be quickly entombed in the deep waters."

Had I been a moral philosopher and not a mere sailorman I would have profited by my reflections.

Would that I had tarried in Virginia, where there is much to a man's liking! But no, I longed to be at home and out of the sun; I longed for the cool vales of Somerset and the sweet evening air which from the Mendips blows the blue peat smoke about the thatched roofs of simple cottages; I longed for quietness and rest, and these honest longings drove me afoul of the cruel courts of justice.

I was still miserably weak when I crawled at length from the docks at Bristol up into the town. I lay a week in bed at a tavern in the High Street, afflicted with a return of the dry bellyache.

I felt danger to be about me; for all England over there was little talk but of the notorious Captain Every; no exaggeration of his crimes being too great or untrue to go down the gullets of the staring people. Behind it all was the East India Company, as well as the Mogul rulers, who dinned continually at the British Government for the punishment and extermination of pirates.

All of this was to make bad weather for me, yet I was resolved to go to my lords of the

Admiralty and make a plain discovery of all the things which had taken place. Scarcely able to pull my breeches over my shrunken knees, I nevertheless paid my score and set out by coach for London.

The coach had not gone three leagues from town before she was hove to, and, behold you, the king's messengers were there, looking for old Bill May.

"You are one of Every's men," they said, hauling me out the gangway. "We have a warrant to take you."

"You only anticipate me," said I, "for I was on my way to London to discover all."

They bore me off to Bath in a carriage of their own, and there before his Grace the Duke of Devonshire I was examined touching my part in Mr. Every's enterprise. I made a clear account of all that I have here set down; but despite that I was remitted to Newgate Gaol to be tried as a felon.

In this close I found when I came in my old shipmates Joseph Dawson, Edward Forseith, William Bishop, James Lewis and John Sparkes, with young Middleton and one Dan, who had crept home by one ship and another, only to be snatched up as I was. One person and another, recognizing us for Every's men, had betrayed us.

We went first to trial on an indictment of piracy of the *Gunsway*. We were confronted by

a bench of more than a dozen judges; we were harried by a shoal of prosecutors; we were lied about by one witness and another, yet in spite of all — in spite of all that Dan and Middleton, a saucy lad aboard our ship, who were King's evidence; in spite of the thunderings and belching and blasts of the lawyers, the jury — true men and good — returned us not guilty.

That put the king's counsel to be the laughing-stock of the country, so to save their faces they put us to another trial, this time for the stealing of the *Charles the Second* at the Groyne. For witnesses they brought again young Middleton as well as Mr. Gravet, the old second mate, and the liar Creagh. Not only did these tell of the matter at the Groyne, but Middleton and one or two others went all over the Indies and up to New Providence again, — which was a sly way of trying us twice for one offense.

How the judges and lawyers admonished the jury!

"If you have the true English spirit, if you believe in the Christian religion — I had almost said, 'If you love your mother' — you must convict these rascals at the bar."

How they belabored the jury which had acquitted us on the first trial; you would have thought they were nothing other than Frenchmen in disguise, and the veriest traitors, heretics and homicides. Aye, they did for us: guilty.

Last night the clerk of St. Sepulcher's [1], as the custom is, came under our windows with his bell and cried to those who might have to die on the morrow to repent their sins. The doleful sound threw me into a horror; I fear that my name will be in the morning's death warrant.

[1] The church that stood across from Newgate.

XI

Mr. May's premonition was justified by the event. On Wednesday, November 26, 1696, at Execution Dock — which overlooks the Thames at Blackwall, and was the usual place of punishment for Admiralty felons — he and his fellow defendants were hanged.

Reading his quaint story (which in substance was his evidence at his trial) we get the idea that if he and his fellow accused were to be convicted at all it should have been for the capture of the *Gunsway* and not for the theft of the *Charles the Second*. Mr. May is borne out by the record when he says that he was convicted of the latter offense by the five words of Mate Gravet: to wit, that May knew of the plot.

But there was no proof to support Gravet's statement other than the word of one Creagh, to whom, as we have seen, Mr. May rather bitterly alludes, and accuses of seeking to serve his own interest in a serious scrape in which he had become involved. Creagh would seem quite unreliable. He had been one of the men who had left the *Charles the Second* at the Groyne, on Henry Avery's invitation to all who had not spirit enough to go along with him and collect

their back pay to depart more or less in peace. Reaching England again, he fell in with an adventurous young chap by the name of Vaughan, who was then signing men on the *Loyal Clancarty,* a small sloop which Vaughan planned to, and did, turn over to the service of the then exiled Stuart king, James the Second, and in which Vaughan disturbed the shipping of the government until he was run down and captured in the Channel, after a fight in which the attackers had to wade to the *Clancarty* through the shallows, with their weapons over their heads to keep them dry. He and his crew were taken first to Dover Castle, where the warden who registered them remarked that most of them were drunk at the time, to be removed later to Newgate, in which latter prison, by what was certainly a very odd circumstance, Creagh again met old shipmates of the *Charles the Second* from whom he had parted at the Groyne. With the terrible charge of high treason lying upon him, Creagh saw his chance and, expecting thus to purchase clemency in his own affair, eagerly proffered his testimony against the alleged pirates, and was accepted. Thus there was a great premium upon the conviction of Mr. May and the others.

His character was brought out most damagingly at his own later trial on the Vaughan business, during which his own brother was forced to take the stand and brand him a liar and a rogue; a petty, sneaking rascal, apparently, who

did not hesitate to pilfer the poor resources of his relatives.

He might have been telling the truth about Mr. May, but surely not beyond a doubt.

If he is eliminated, then it was only a case of Gravet's word against Mr. May's. There is nothing to be said against Gravet; he was under no charge, no peculiar advantage would be his for furthering a conviction, and his testimony was given in a pretty straightforward, manly sort of way. But Mr. May argues that the situation at the Groyne itself supports his own explanation of his conduct, — that the boat which Avery allowed to leave with those who were unwilling to go could not possibly hold the whole company of the brig and that he was one of those thus forced to stay behind.

It must be remembered, as Mr. May points out, that he and his co-defendants had already been tried and acquitted of the piracy of the *Gunsway,* where, although it is not reported, that trial must have been more likely, in the nature of things, to result in a conviction, for Mr. May admits that he was an accomplice in that crime, though present under a sort of duress. That the government was shocked at the verdict in that case is very plain from the words of the judges and prosecutors in the second case, where as Mr. May indicates, extraordinary pressure was brought to bear to keep the jury from straying out of the way as did the former one.

Somehow, Mr. May's account lacks an ultimate convincingness, but it may be said for him at this late day that, technically, there is a very grave doubt of his guilt. His is the story of old dog Tray: willingly or unwillingly, he was in bad company and to that unfortunate circumstance he must lay a large portion of his misfortunes.

And what befell the naughty Henry Avery?

Mr. May's narrative cannot give us that information because Mr. May never saw his captain after they separated in the West Indies. At the turn of the new century, we know he was still in the black books of the British Admiralty, for an Act of Grace — that is a blanket pardon to all pirates who should give up their wicked ways by such and such a date — issued a few years after Mr. May's demise, specifically excepts from its clement scope, "William Kidd and Henry Every, alias Bridgman."

Now, a yarn is told of the end of Henry Avery, which may be summarized for what it is worth — probably not very much — for it is outside of judicial records and consequently corrupted by legend. The effect of it is that Avery continued in the West Indies, pirating the Spanish Main, even to the Carolinas, until, satisfied that he had finally earned a competence and an honorable retirement and with something of that longing for home which is not altogether absent, appar-

ently, from even a pirate's tattooed bosom, he decided to turn him again home.

He had an embarrassment of riches, if ever a man had. According to the story, he had bags of diamonds taken from the *Gunsway,* of fabulous value. Mr. May's trial suggests that the loot of that ship was money, and nobody says anything about diamonds, but the historian we are now, with a caution, quoting says it was diamonds, and diamonds it shall be.

In due time, he got back to Bristol, but now found that he could not sell his diamonds without incurring suspicion as an evil-doer. He tried Ireland, as a place where folks might be less shrewdly curious, but he discovered that the Irish were as much struck as the English by the incongruity, say, of an egg-sized diamond flashing and coruscating in a scarred and pitchy palm, — a feeling not immediately dispelled by the extraordinarily sinister face above them.

Back to England — truly a millionaire tramp — where he foolishly resolved to put his trust in merchants. Behind their aldermanic robes and unimpeachable integrity, he expected to be able to put his unique stock-in-trade on the market, which, indeed, he seems to have done, but when he solicited his corpulent agents for an accounting he was met by great round eyes and insulted mouths.

"Diamonds? What are you talking about?

Diamonds? Begone, you rogue, what do we know of diamonds."

It sounds like some aspects of human nature, but whether it is history, is not for us to vouch.

So Henry stewed a trip or two in a coasting forecastle, — where, had he a mind to, he could have told the simple seamen a thrilling story of the sea, — and then curled up and died, "not worth a groat."

Morally, at any rate.

CHAPTER FIVE

GROAN O' THE GALLOWS

Tom Green

I

From the thickly forested heights of Cape Masoala one can, without being one's self observed, sweep, with an easy turning of the head, the broad Indian Ocean that pounds perpetually upon the rocky beach at the base of the Cape; the blue placidity of Antongil Bay up to its farthest reaches; the huddle of huts which make the town of Mananara, on the opposite shore, and the tiny island of St. Mary's snuggling close to the other portal of the bay.

That is to suppose that you wish to see and not be seen, — a rather uncommon circumstance in the lives of plain, honest men, but certainly a great advantage to those who conceive that their particular and peculiar interests require secrecy. Cape Masoala has known both sort of folk. The peering botanist has explored it for his specimens; the French surveyor has mapped every inch of it, and the olive-hued Malagassy native

has for centuries gone about the Cape on his innocent occasions, all quite careless as to who did or did not observe them. Certain other gentry, however, have from time to time made a use of the ancient Cape not entirely commendable. Sad to relate, such persons not infrequently came ashore from ships wickedly sailing beneath the black bunting of piracy. These climbed the steep, wooded slopes not for the purpose of feasting their souls on the beautiful; but for the pernicious design of observing those worthy people who passed in and out of Antongil Bay upon the lawful errands of commerce. In March, 1702, to take a notable instance of this reprehensible use of the Cape, not many less than fifty men lay sprawled in the tropic undergrowth of the headland watching with quick eyes the tardy evolutions of two square-rigged, stumpily built ships working their way alongside the rickety wharf of Mananara.

At length the two ships were berthed, and up their riggings men, looking like small boys at that distance, climbed and began to take in the canvas. One of the watchers in the wood yawned, stretched his lean arms high over his head and said, as he rattled the thick gold rings in his ears, "We'll soon be to sea again, Cap'n."

The man called captain nodded. A great bullock of a fellow he stood, hands on hips, gazing frowningly down at the bay, apparently constructing the strategy of an impending move.

He had a flattish, three-cornered hat — somewhat too small for his head — pushed forward over his eyes; the breeches, stockings and buckled shoes of the period had evidently had long and hard wear in contrast with the brilliant sash about his waist from which protruded the handle of a dirk. One great, sinewy hand dangled a belt to which was fastened a thick cutlass. If he were captain, then all these fellows strewn about the grass must be his subordinates. Honest men they no doubt accounted themselves, but their looks belied them; no ordinary man would have cared to picnic with that group in their present beautiful retreat. Their complexions were as colorful as the sashes which almost all of them affected: here was the blond Scandinavian, with his blue, wistful, deep-sea eyes and tawny hair and beard: beside him would be a swart Continental — French predominantly — chattering constantly and continually winding his beard in ringlets about his forefinger, and not a few men of the blackest ebon, the hue of the West Indian negro, not the lighter tint of the native Sakalava. Whatever his color, every man there was capable of committing any violence; that was his qualification for companionship. A hard group, and how hard must the leader of it be! Well, John Bowen, the brawny chieftain, was a hard man.

Although maritime history has failed to spell his name with capital letters, John Bowen was one of the most willing little workers in the red

trade of sea robbery. Where he came from and what his finish was we do not certainly know, but while his keel danced its brief hour upon the waters of the Indian Ocean, John Bowen displayed those qualities of resolution, ruthlessness and rapidity which ordinarily earned one a rapid promotion in piracy, and not infrequently a sequential elevation, before an admiring and applauding populace, at the end of the king's rope.

While, as we say, his origins are obscure, there is little doubt that John Bowen came to this Cape Masoala, in the island of Madagascar, directly or indirectly from the West Indies, which for generations was the *alma mater* of all the best pirates. A great school of maritime crime was this West Indian group, having, at one time or another, on its faculty such eminent masters as Blackbeard, lecturer on Violent Deaths at Sea, and whose subsidiary course on Ship Scuttling was deservedly popular. Then, too, many earnest young students from all over the world were drawn thither by Morgan's notable presentation of the subject of the Assault, Capture and Loot of Municipalities. In fact, the whole scheme of instruction was very thorough. Two prominent practitioners of the art of piracy, captains Kidd and Avery, so esteemed the advantages there offered that both, after distinguishing themselves in the actual practice, resorted there for postgraduate work. There was a finish, a fineness about John Bowen's work

which clearly indicated the superiority of his academic training, and stamped him as one of the most promising graduates. Everybody in the Caribbean anticipated a great future for him, and, so far as we can follow his career, these friendly prophecies were amply fulfilled.

Evidently when he faced the world with his sheepskin in his hand and the blush of collegiate honors still on his brow, John Bowen had determinded to set up business for himself in the East Indies, a fact which indicated the clarity of his judgment and real appreciation of opportunity, for in the East Indies of his day it was so easy for a competent pirate to get rich as to make one feel that his abilities had never been properly tested. But, of course, there were accidents and unavoidable miscalculations, and John must be supposed to have run into one of those inescapable setbacks to which even pure genius is liable, from the fact that he is perched upon a headland of Madagascar with a crew but without a ship. Of course, time and opportunity would correct that state of affairs, for the matter of appropriating a ship was just elementary freshman work in the university of piracy from which he had graduated, *summa cum laude*. And now, as John gazed down on these two ships below him, he realized with satisfaction that time and opportunity were in happy concurrence.

He selected four Englishmen — two, as it chanced, were from New York — and, directing

the rest to meet him at dark in the woods behind Mananara, descended to the beach, where a broken-down native boat was staked. The party crossed the bay and Bowen himself went down to the water front to look at the newly arrived ships. It was now towards evening, and from the cookhouse rose a thin, blue spear of smoke on each ship where the supper was being prepared. Sailors were hanging over the bulwarks, smoking long pipes, and laughing and joking in the burring tongue of Scotland. They noticed the hulking white stranger loafing about the wharf, but made no comment, for one does not long knock about the waters of Madagascar without dulling the faculty of surprise. Bowen marked the names of the two vessels, *Content* and *Speedy Return.* This latter name he thought unfortunate in view of all the circumstances. *Speedy Return*? Not if Jack Bowen knew anything about the matter.

To get the full value out of this adventure, we have to know a little something about these two doomed ships and why and how they happened to be in this little port of Mananara at this particular time. If we lift the fly-blown, time-stained pages of history we get a queerish kind of a yarn in this connection. It only needs a momentary glance, and when we have taken it, we shall the more appreciate the significance of the sinister meddling of Jack Bowen, who, of course, knew nothing of what we shall know and

if he had known he would not have cared two straws, — in fact, would have enjoyed his game all the more.

In June, 1695, some half a dozen years before Jack Bowen comes on the stage, a group of Scotch noblemen, with some other folk of lesser influence, procured a statute from the English parliament and a charter from the English Crown, authorizing them to incorporate an African-Indian trading company. Their chief object was to found a Scotch colony in the Isthmus of Panama, or Darien, as it was then called. Everybody was going to get immensely rich out of the venture. But the noblemen were not stingy about it; they decided to offer the stock of their corporation to the public. They evidently had a wonderful advertising manager, for an old writer tells us that when the stock was put on the market "the nobility, the gentry, the merchants, the people, the royal burghs without the exception of one, and most of the other public bodies subscribed. Young women threw their little fortunes into the stock; widows sold their jointures to get command of money for the same purpose. Almost in an instant four hundred thousand pounds were subscribed in Scotland, although it be now known that there was not at that time above eight hundred thousand pounds of cash in the kingdom."

That is what you may call promoting, — to get

half the cash of the kingdom. It was the last chance anybody ever had of that sort in Scotland.

Everything went so well that the English East India Company became exceedingly jealous and not a little fearful that a powerful rival was rising in the north to challenge its hold in the Far East. In politics, in the financial world, in every way it possibly could, the English company sought to thwart the Scotchmen and upon the whole succeeded very satisfactorily in handicapping the latter. Being Scotchmen, however, they went right ahead, " satisfied of the envy of the English and of their consciousness of the advantages which were to flow to Scotland " from the Darien colony. Six ships were built, each able to carry two hundred emigrants, and on the twenty-sixth of July, 1698, the whole city of Edinburgh streamed down upon Leith to see the Darien voyagers depart, amidst the tears and praises and prayers of relations and friends, and of their countrymen. Many seamen and soldiers, whose services had been refused, because more offered themselves than were needed, were found hid in the ships, and when ordered ashore, clung to the ropes and timbers, imploring to go without reward.

The colony, however, was a dismal and tragic failure. When the people arrived at Darien, the Dutch East India Company — instigated it was believed by agents of the English company — forbade the factors of their forts in that region to

give help of any sort to the Scotchmen. Expecting to get supplies locally and being thus refused, "the colonists fell into diseases from bad food and want of food" and almost all of them faded and died. Eight months of horror lagged along and then the colony broke up, only a handful surviving to stagger to the ship for home. In the meanwhile, however, another crowd of thirteen hundred colonists had left Scotland for Darien amid the same hurrah, only to meet the same fate as had the first, and to send back as survivors only a pitiful remnant of thirty.

Scotland laid all the blame upon England in general and the East India Company in particular and deeply smoldered the already traditional hatred between the northern and southern peoples.

Withal, the Scotch African-Indian trading company kept intact, but took on the character of a more private commercial corporation. It entered in the orthodox fashion on the East India trade wherever it could circumvent the English monopoly, and to this end sent forth its young but not unpromising fleet to Indian waters, and of this fleet the *Content* and the *Speedy Return* were fair representatives.

But see what an unhappy destiny pursues this Scotch company! Here it is, trying to recuperate from the terrible disaster of Darien, just, as they say of an invalid, getting about again, when wretched, wicked and utterly reprehensible Jack

Bowen is here, in far-off Madagascar, lurking about in the woods ready to inflict upon the poor company another terrible adversity!

On May 26, 1701, the *Speedy Return* and the *Content* had sailed from Glasgow for the East Indies. What great things they were to accomplish! How they were to return soon — speedily, as the name would seem to hope — laden with gold and gain! The name of John Bowen did not mean a thing in Glasgow. Such is life. They lumbered, after the fashion of the blunt ships of that age, first to Guinea, then to the Cape of Good Hope — propitious name — and there, as well as at Guinea, they discovered there was not a little profit to be had by postponing their arrival at Malabar and the Indian trade proper and diverting themselves to the slave business. In this traffic then they came over from the mainland of Africa to the island of St. Mary's, in Madagascar, where they loaded their holds with the negroid Sakalaves sold to them by the Hovitas and other superior tribes of the island.

So cargoed, they went on from St. Mary's, Madagascar, to Mauritius, where they discharged their load of slaves and in March, 1702, were back again in Madagascar, at a place they called Maritan, but which has probably become Mananara, ready for another batch of blacks, and, though naturally this was beyond their expectation, the thunderbolt of as desperate a

gang of pirates as ever cast dice with the hangman.

Gradually Bowen's shipless crew gathered in the woods back of the town and impatiently waited for morning. When the tropic sun at length surged up abruptly from beneath the far, thin, eastern line of the Indian Ocean, they girded their belts about them, looked to their weapons, hefting their cutlasses and attending to the priming of their pistols, and waited the cheerful word of onslaught. Bowen called together the four English-speaking men he had first selected the day before, on the chance of being able to make immediate use of them, and left with them for the very outskirts of the town, where they settled themselves in the lush vegetation and watched their prey. Before separating from the main group, Bowen, like a true general, addressed his troops. "If it comes to trouble," he said succinctly, "and ye find ye against a man bigger than ye, take your tools quickly" — here he tapped his cutlass, "and cut him down to your size."

The plan was for the four men and Bowen to board the ship *Speedy Return* by stratagem, when, if the chance was good, Bowen would sound the bo'sun's whistle which he carried for that purpose and the reserves were to come up in full force.

Early after breakfast the lurkers noticed what was evidently the captain of the *Speedy Return,*

accompanied by a group of men, come ashore and set off through the woods to the neighboring villages, evidently in the transaction of their traffic in human beings. The day burned to high noon and high noon waned towards evening, and still the cautious Bowen, not risking a fizzle in this his great and long-sought opportunity, held his hounds in the leash. Quite late in the afternoon, when it was reasonably certain the captain had gone for a considerable time, and when the remnant of the crews of the two ships were scattered, some about the town and others dozing on the hot decks, John Bowen and his four aides stepped from the brush, strode past the thatched native huts and out on the dock. They ran up the ladder and were on the deck of the *Speedy Return.*

" Ho, mate," called Bowen, grinning genially to what was evidently the ship's cook, carrying a butcher knife in one hand and a leg of a sheep in the other, " who's the master of this ship? "

" Cap'n Rab Drummond, frae Edinburgh," burred the cook, " and who be ye, mon? "

" Oh, we're nobody; just come aboard, looking to buy a bit of breadstuff and tobacco, if ye've such to spare."

There were not more than a dozen men aboard, according to Bowen's swift calculation. Over on the *Content,* a few yards away, there appeared still fewer. The hour had struck. Bowen drew a pistol from the arsenal of his sash and thrust

it against the full girth of the cook. "Go on to your cookhouse, my lad," he commanded. "You're going to have a few friends for supper." Thus the chef received notice of the change of management. He took it dully and obediently; anything may happen when one goes so far from Glasgie. Sharp and shrill the signal whistle beat echoingly from the cliffs of the Cape to the heights above the town, and with a terrifying shout, the rest of Bowen's men hurled themselves over the bulwarks of both the *Speedy Return* and the *Content.* The gang that boarded the latter had a definitely prescribed job to do and expeditiously they did it. First of all, they ran the gaping sailors off her decks and on to those of the *Speedy Return;* then, hastening back, they smeared the decks of the *Content* with pitch, set a train to the small powder magazine, and as the thick brown-black clouds of smoke rolled sluggishly over the sides, they fled, whooping as demons may be supposed to whoop at the mouth of the Inferno, for the *Speedy Return.* Her sides they clutched even as she moved away in tow of the ship's boats, out into the bay, where she picked up a helping breeze; where her hastily hoisted sails began to tauten and whence she began quite prettily to glide out into the wide, the welcome ocean. John Bowen was on a quarter-deck again; it mattered to him little who claimed that same quarterdeck; he was on it and the quartermaster at the whipstaff swung the

helm to this side and that, in obedience to his orders. He felt the wind of the free ocean upon his breast and lifted up his great bellowing voice in song. Ha! ha! he! ho! in a jiffy the tables had been turned; John Bowen had had the shore and no ship and now Captain Robert Drummond, of Edinburgh, out of Glasgow, had all the shore he cared to use and no ship.

No stenographer was present to record what Captain Drummond said when he came out of the woods and found the black embers of the *Content* knocking about the piling or bobbing far out on the bay, and of his ship only the stupid, inarticulate remembrance of the gaping Malagassy natives, but without doubt it was something pretty. Captain Stewart was master of the *Content* and probably had been absent with Drummond of the *Speedy Return* — although he might have been on his own ship and been captured with the rest of the crew; nobody has given us the precise information — but if he came out of the woods at the same time that Drummond did, there is no doubt the inhabitants beheld two of the angriest Scotchmen they had ever seen or ever were likely to see. We don't know what happened to Stewart, but a man who spent fifteen years in captivity among the Madagascans came home with the story that Drummond found his way to Tullea, on the southwest coast of the island, where, in an altercation with a Jamaican negro, who was of course one of those far-faring

West Indian pirates, he received a wallop from the black rogue which deprived the Scotch African-Indian trading company of a faithful servant and the rising British Merchant Marine of a competent shipmaster.

Now, Bowen, between the two appropriated vessels, very likely gathered in some thirty men, all well-seasoned sailors. We know the names of only two of these honest tars to whom this vivid change of circumstance occurred; Israel Phippany and Peter Freeland. Some of these captives accepted the fate of the sea and even counted themselves among the pirates; others, naturally, found the situation not to their liking and stood by for an opportunity to escape. It was all one to their swaggering captors, whether a man liked it or not; a sailor he was and sail that ship he should. None of that topmast business for the bold pirate boys; in a jam they might lend a hand at working the vessel, but ordinarily they insisted that fighting was their specialty and avoided the rope and the tar bucket as quite beneath their dignity. But they were fair in their way, for when it came to a fight they did not call on the shellbacks for help; that too would have been essentially undignified for a master pirate. This gang of Bowen stood in a rough relation to the sailors aboard as the marines do to a war vessel. Many ships, of course, were completely manned by confessed pirates, and when that was so they had to do

sailor work, but whenever they could they were great little chaps for pressing men aboard especially to do the ship's chores. So the *Speedy Return* being happily in their possession, the pirates lay back under the awnings and drank copiously of arrack, the universal intoxicant of the East Indies, the while their bold chieftain drove his keel along for joyful fights and glorious plunder.

Swinging smartly around the northern nose of Madagascar, and shooting westerly, Bowen set the course for the Comoro Islands, some three hundred and fifty miles northwest of Madagascar and two hundred miles east of the coast of Africa. Apparently John was going to lose no time in his business, for the Comoros would be the nearest likely place to pick up a prize; no waiting until he made the distant littoral of India, you notice. His ultimate destination was Rajapore, way up in what is now called the Bombay presidency, but he did not care to go as the crow flies, but rather as the vulture does; pausing for anything that might be carrion.

The Comoros was a pretty good guess. At Mayotta, one of those islands, they found a ship commanded by George Weoley, which was loading with sugar, rum, cocoa oil and taking in fresh beef. The fact that Weoley's vessel was in harbor did not mean anything to John Bowen; if the island itself had been navigable he would have put a crew on it and sailed it away. The

Speedy Return shoved alongside their victim, and casually, as men doing an easy job away below their real abilities, a handful of fighters dropped to her decks. Nobody interfered with them but the unimaginative first mate, and his protest was met with a crack on the head which created an immediate promotion for the second mate. A little more than a year after this misfortune Captain Weoley wrote a plaintive letter to Mr. Pennyng, "Chief of the English East India Company's Factory at Calicut," giving a full and detailed account of the naughtiness of John Bowen, wherein he states that at Mayotta he fell into Bowen's hands and was "detained by him after they had slain my chief mate and plundered what they pleased."

Poor Mr. Weoley and the rest of his people were taken into the forecastle of the *Speedy Return* and thus recruited that ship's list of able seamen. Whether Bowen burnt, scuttled or simply abandoned Weoley's craft the good captain does not inform us, but we may be sure that when he headed off for India, he left that unfortunate vessel no better for his visit.

During the long and uneventful voyage — uneventful, that is, so far as the piracy game went — Captain Bowen, alas! did not observe those little amenities between brother captains which so pleasantly mitigate the sternness of the sea. Doubtless Mr. Weoley had to do many things aboard which drove a bitter iron into his

soul. One day he might be lending a hand with the art of navigation if the load of rum captured at Mayotta should happen temporarily to incapacitate Captain Bowen; next day he might pitiably have to fetch and carry water at the behest of the sprawling villains, or again bend his elderly and stiffening back at the eternal task of pumping, and pumping ship in the Indian Ocean must have been — well, hot. He says himself that he received "many hazards of life and abuses from those villains." Not the least of his grievances was that of listening through the long hours of a torrid night to the liquored Bowen boasting of his wickedness. That remark of Weoley's places Bowen as the true, deliberate, almost romantic pirate and approximates him to the traditional pirate of fiction.

Off the coast of Malabar, Bowen nearly had to sober up, for he was come to his proper fishing grounds. Up and down this roadstead passed much of the commerce of the East Indies. Quite a medley it was, to be sure. There were craft from the ten-ton sloop belonging to a petty local merchant, up through increasing tonnage chartered by Moors, Persians, Armenians, Hindoos, to the two- and three-decker so-called East Indiaman, the ship of the august and imperial East India Company itself. In disturbing this traffic captain William Kidd had found a fortune in less than six months, and numerous pirates of many nations had here easily enriched themselves.

Captain Bowen, who must have been something of a joker as were so many of his outlaw colleagues, doubtless enjoyed immensely taking a ship with the name of *Prosperous,* which he did shortly after his entry into Indian waters proper. With a chuckle he realized that he had made the owners of the *Content* discontented; he intended the *Speedy Return* should go home neither slowly nor speedily, and it is very likely that he put the charterers of the *Prosperous* into bankruptcy. It might have been of a better omen in those days to name your ship the very opposite to your hopes; say call the *Content* the *Dissatisfied;* the *Speedy Return* the *Never Come Back* and the *Prosperous, Hard Times,* — in which case a marauding pirate would at least lose the dramatic pleasure of surprise.

Having bagged the *Prosperous,* Bowen put a crew on board and used her for an auxiliary, and with this augmented command in a few months, according to Weoley, he took " six sail of ship " and " hundreds ruined." The last of these six ships was one from Surat, evidently of considerable size, for Bowen transferred all hands to her and then, being as drunk as a fool, entertained the amazed city of Rajapore with a grand nautical bonfire made up both of the *Prosperous* and the *Speedy Return.* How uneasily the stockholders of the Scotch Indian-African trading company would have turned in their beds had

that lurid light gleamed against their far-off window panes!

This man Bowen was an incorrigible ship burner, which proves that he had not the heart of a true sailorman or the first instincts of a real conqueror of the sea.

On this captured Surat ship, when Bowen got over his pyrotechnic spree, he counted up his men and found, so Weoley records, "70 Lascars (native of India) and 146 fighting men (the Lascars being used as sailors) of which part are 43 English, the better part of the company French, the rest Negroes (our Jamaica friends) Dutch and other nations that cries 'yaw'." Quaint foible! Amid all his sufferings poor Captain Weoley could still find a feeling of irritation for men that "cries 'yaw'" instead of "yes."

Bowen steered from Rajapore down along the Malabar coast until he came to Cochin, a Portuguese settlement and where a miscalled Portuguese war fleet made its anchorage. Those old sieves were the local maritime joke, and a brisk pirate would think little of using them for mooring buoys. This aggregation had once gone out after the formidable Captain Kidd and much to its surprise and pain had found him. It had never been known to attempt anything notable since. Certainly, they did not trouble John Bowen. As Bowen dawdled along in these parts, touching at this and that small port for frolic or

land robbery or both, "about three leagues to the northward of Cochin" Weoley states that "I got clear of the pirates." Thus ended the worst seven months in the life of that worthy mariner.

What became of Bowen after Weoley escaped from him we do not know, at least so far as the authentic record we are consulting is concerned. Probably he met the violent end of his ilk; one thing is sure, however; he was never hanged for the piracy of the *Speedy Return,* but — and this makes the dread, dark sequel of the crime — another man who knew not Bowen, Robert Drummond or the ill-fated ship *Speedy Return* suffered by one of the most notable miscarriages of justice known to the law as the murderer of Captain Drummond and the pirate of the *Speedy Return.*

II

On March 8, 1702, a ship called the *Worcester* weighed anchor in the Downs and so began the long voyage from England to India. Perhaps on that very day, certainly within a very few days of that date, the brigantine *Content* was burning to the edge of the waters of a Madagascar bay, and her consort from Scotland, the *Speedy Return* was romping toward the Comoro Islands beneath the stern and unlawful drive of a sea brigand.

The purpose of the *Worcester* in the East Indies was to trade, though she did not belong to the East India Company but appears to have been owned by a small group of investors, probably retired sea captains for the most part. To get a swift idea of what was meant by the East-India trade you have only to recall the Hudson's Bay Company in Canada, for the methods of both these great trading corporations were practically the same. Just as the Canadian company stalked across Canada from fort to fort, so the India company ringed the coast of India with forts, which, like the Canadians, they called "factories" and put in charge of an officer termed a factor. Both companies held exclusive

monopolies in their respective regions by virtue of government grants; both maintained fleets for the exportation of native products and the importation of English wares and supplies. Each had to meet a certain amount of competition in spite of its exclusive privileges.

The East India Company was far more seriously challenged by rivals than was the Hudson's Bay Company, even in the devastating days of the latter's struggle with the Northwestern Fur Company. Not only England but Holland and numerous other commercial nations of the continent hungered for the loot of India, and between the traders representing all these conflicting greeds an almost continuous state of warfare prevailed, which more than once drew in the governments themselves.

Not only foreign competitors harassed the English East India Company, for among its annoyances was what was called the "interloper," the English trader who poached in their preserves, in defiance of law, to such an extent that not a few considerable fortunes were thus established. But the company did not always pursue these trespassers with the severity which they might lawfully have used; local conditions on the coast made another English ship, even an interloper, not unwelcome, and at such times these gentry were tolerated and even welcomed with a surprising friendliness.

In addition to the continentals and the inter-

lopers, the Scotch African-Indian company had, as we have seen, following the wreck of the Darien colony, begun to send its ships out for a share of the Indian spoils, two of which ships, through the unwitting kindness of Captain John Bowen, had just been prevented rather forcibly from troubling the sleep of the English company.

The status of the *Worcester,* then, was that of an interloper, but in one of the more genial humors of the monopolizing company, and Captain Thomas Green, her commander, had reason to believe that it would not seriously molest him as he sought to pick up a couple of hundred tons of more or less profitable cargo.

An old, slow, lead-sheathed craft was the *Worcester,* formerly in the whaling business. She was about a hundred feet in length and twenty-two or so feet in breadth, and carried a crew of thirty-five men. Tom Green, her master, was an honest old sea dog, thoroughly loyal to his owners and to his vessel; the admirable sort of man who does Britannia's drudgery at sea, happy if at last he can step off his quarter-deck with all the limbs he had when he first went up the gangway as a 'prentice, and content to sink into a permanent armchair on the sunny side of a cottage close to tidewater and the lanes of sea trafficking. And but for John Bowen, it is reasonable to suppose that Tom Green would at length have achieved his modest, commendable ambition.

Their objective was Malabar by way of Delagoa Bay. It took her five months to get from the Downs to Delagoa. Here they stayed long enough to build a sloop to be used in river work at Malabar, the materials for which they had brought with them from home. On November 15, after a voyage of a little more than eight months, she came to Anjango (now Aniengo) at the tip of the Malabar coast, where Captain Green politely put ashore to pay his respects to Mr. Brabourne, chief factor of the English East India Company's fort at that place, and incidentally to make sure that the company was still in the generous notion of living and letting live. One never knew when its policy might suddenly veer like the weathercock on a church steeple.

Happily, Mr. Brabourne and his gentlemen were as genial as a June day. Madeira and compliments were enjoyed together and Green went back to his ship, rejoicing in at least the tacit consent of Mr. Brabourne to his trading operations. With that load off his mind, he sailed for the Keilon River, a few leagues farther on, and there established contact with Cogi Commodo.

We have mentioned big rival corporations and interlopers, but the coveted Indian trade produced another institution, — the petty 'longshore merchant, white or black, most generally a follower of the Prophet from some of the far eastern Mahometan countries. After he had

prospered above the peddling stage, this gentleman usually established a little warehouse at the mouth of some one of the sluggish rivers emptying into the Arabian Sea, and there conducted a business which was for the most part illegal. Briefly, he was a purveyor of stolen goods brought to him by the pirates which infested those regions; a "fence" as it is called, and without whom piracy would have been almost impossible, for if a pirate could not dispose of the cargoes he took of perishable or ordinary mercantile stuff, his activity would have been immeasurably curtailed. For instance, before he made his lucky strike, Kidd took tons of butter, cargoes of coffee, opium enough to give his men a thousand years of delightful dreams, far more than could be used aboard his ship and which would have been useless without the obliging fence. This very same Cogi Commodo boasted to the crew of the *Worcester* that he was "merchant" for Kidd. The Cogi was suspected not only of buying from the pirates but of informing them of the movements of promising ships and even of assisting in their actual assault and capture. Not that Green wanted any such service as this from Commodo; he used him on the more legitimate side of trading, for the Cogi, like the rest of his kind, continually gathered in native products from under the noses of the English forts, for the prime purpose of supplying interlopers. You can see the Cogi was quite an

irregular sort of gentleman on whichever side you took him.

The *Worcester* came to the Keilon River on November 21 by way of Callequilon; December 22 she was back at Callequilon, then made a big jump of a hundred or more miles up to Cochin, reaching there January 10, 1703, just about five years to a day after Kidd had made his big capture of the *Quedagh Merchant* in those very waters; and but a few months after the unfortunate Captain Weoley had made his escape at that place from the wicked John Bowen. Green's northward trading seems to have been hurried, for two weeks later he was at Calicut, a month after that back at Cochin, and by March 8 was again anchored in the roadstead of Callequilon.

Life on a trading ship on the coast of Malabar in the morning of the eighteenth century was not easy. Sickness kept a large number of the crew helpless at all times. Doctor May, the ship's surgeon — a young sawbones of twenty-six years — had so many patients that he had to put up a crude hospital ashore at Callequilon, where the sick were taken from the ship and left while the vessel worked up and down the coast.

Most of the time it was just a job of hard work, either in sailing or in stevedoring the piles of cargo which would be collected at one place and another by various Cogis to await the coming of the *Worcester*. The busiest man aboard was

then the supercargo, on whom fell the burden of handling the cargo, keeping the accounts and looking after the financial interests of the owners. The work and worry of it all gave the prevalent fever when it struck him added force, and the supercargo slipped through an open port in a weighted canvas shroud to join the half-dozen or so of his companions who had already preceded him to the muddy hammocks that swing eternally in the tides of the sea.

But there was a lighter side. Even in Keilon a sailor could spend his wages, or gape about at the elephants, the palanquins, the ladies with rings in their noses or stare uncomprehendingly at the fantastic ornamentation of the ancient temple of Shiva. Captain Green himself found time for the social turn, and so ingratiated himself with a lady of the country that she gave him a well-trained young black slave, Antonio Francesco, to be his personal servant. Green thought a great deal of the lady's kindness, for he took Antonio aboard and to make sure he would not lose him, chained him to a spike in the forecastle floor, in something of the fashion that seamen are wont to bring home a pet monkey.

All of this was very well to be sure, but April was to prove a month of hard luck for the *Worcester*. On the tenth of that month the sloop was driven ashore in a gale and destroyed. In the same storm Green tried to make Keilon, but was forced to anchor between that place and An-

jango. Here his cable parted and serious leaks were sprung in his hull. Amid all that, however, he was mannerly enough to fire five rounds in salute to the *Aureng-Zeb*, another trader which happened by and who, as politely, returned the compliment. Green was so worried about the condition of his ship that when the weather moderated he invited the master and mate of the *Aureng-Zeb* to come aboard and survey his ship. Their unanimous judgment was that the *Worcester* was then unseaworthy for navigating to England.

That finished the trading cruise. Adverse circumstances had curtailed the enterprise, yet Green had made, on the whole, a profitable stay in Malabar. He had operated in a maximum distance of about one hundred and fifty miles; that is, from Anjango to Calicut, though his dodging back and forth had added much to his mileage. In ordinary event he would have been nearly ready for home. His most serious reverse was in the wreck of his sloop, which his owners had hoped he would be able to sell and convert into goods when he should have finished with her services.

Mr. Brabourne, of the fort, again most obliging, advised Green to go to Bengal for repairs, and on the fifth of May, 1703, the *Worcester* set forth to pump her way to the shipyards there.

Captain Thomas Green might fairly claim a grudge against the elements. They buffeted him

in Malabar to the loss of his sloop, the damage of his ship, the lessening of his trading, laid his keel up for a long time in careen at Bengal, and now on his way home to England, after one would suppose the weather had done its very worst for that voyage, it met him off the coast of Scotland and in a seething fury of wind and wave hurled him into the Scottish port of Leith, where he was fain to run for shelter. Alas! he had fled the fierce wrath of nature to the yet more terrifying wrath of man.

Scotland, in 1704, when the *Worcester* was thus blown into the port of Leith, was again having her troubles, all of which were turning around the hoodooed Scotch African-Indian company. That afflicted corporation had already marked the *Content* and the *Speedy Return* off the register as unaccountably missing, when behold a sister ship of these two, the *Annandale,* imprudently venturing into the Thames, was seized by the English East India Company in the assertion of its exclusive rights in the Indies, one of the impudent things which so endeared that company to the rest of the trading world. Now add that grievance to the dreary Darien affair, already laid, as we have seen, at the door of the English company, and you can understand why " Annandale " became a slogan in Scotland and the focus of all its hate. Public opinion whirled the Scottish authorities into action. These petitioned the return of the *Annandale,*

but in vain; the tenacity of the East India Company, capable of holding a country of hundreds of millions of people in its fist, regarded the Scotch protest as lightly as some folks do their debts. To have and to hold was its motto, though all the kilted Highlanders beyond the border skirled in a fury of revenge. The Scot, however, is no baby; nay, he has considerable iron in his own system, and a turn for definite action himself. "Verra guid, mon," said the north to the south, "verra guid; ther's an English ship cam' into Leith; you keep the *Annandale;* we tak' your Englishman."

Which they promptly did — none other than the *Worcester.*

Captain Green was certainly now in a pickle. The Scotch government seized his ship and now he had to stand around with his hands in his pockets and wait the problematic issue of all this international bickering. And the thousand pounds' worth of patiently collected cargo, the fruit of the peculiar industry of many Cogis — that, too, was sealed by the authorities so that a man dare not take as much as enough for a cup of coffee from the hold. If he had been an East Indian Company ship he might have seen a little sense to it all; but what cared he for either the Scotch or the English companies? Very little, indeed, and yet — well, it was beyond words, even purple maritime words. He plumped down in his cabin to wait.

Now, hard by the docks in Leith there was a little parlor groggery kept by a widow named Seaton, who with her nineteen-year-old daughter, Anne, thus labored to make an honest livelihood. A widow, a lovely girl and lots of good Scotch whiskey all under one roof, — why the situation seemed just specially made for the advantage of George Haines, the steward of the *Worcester*. What had looked at first like a long, monotonous detention on a seized ship now suddenly brightened with the most attractive promise. George accepted the opportunity so readily that shortly he became almost a part of the Seaton home, and in an admirably brief space of time nothing less than the accepted suitor of the fair Anne herself. That meant, as any one could see with half an eye, that eventually George Haines would be the proprietor of this neat little business. No more stewing around the East Indies for him; that was all in the past, or very soon would be. Well, truly, it is an ill wind that blows nobody good.

Of course, Mrs. Seaton had neighbors, and just as much of course she talked to them about her business, her customers and her customers' business. One of these neighbors was a dear old lady by name Mrs. Wilkie, also a widow. She was one of those sad folk who flit down to the docks to see every ship come in and who speak to every sailor that steps ashore, in the quest of loved ones long silent upon the far-off seas. Every one knew Mrs. Wilkie's story. She was

the mother of a bonnie lad by the name of Andrew, who some three years before this, had gone as surgeon on the ship of Captain Drummond, the *Speedy Return,* for a voyage to the Indies, and who, after one letter from Madagascar by way of Mauritius, had not been heard from this long time; neither he or his ship nor his captain. And now the old lady lived with her other son, Jamie, a tailor, and whenever a ship came into port from the East Indies, no matter what the hour of the day or night, the sailors would see a little old gray lady waiting to ask them for news of the *Speedy Return.* To Mrs. Wilkie, then, Mrs. Seaton made mention of the *Worcester* and of George Haines, its steward.

Mrs. Wilkie and Jamie hastened together to the widow Seaton's to interview George. They found him in the parlor, comforting himself with a big tumbler of grog. Jamie bought a drink and talked easily of the voyage and hoped that George and all the others had fared well. This seizure business, — that was bad, of course; but it would all come out all right. George felt it was coming out all right for him as it was. Jamie coughed, shifted a bit in his chair and at length came out with the vital question: "Would you be meeting a ship in your travels, the *Speedy Return,* captain Rab Drummond, out o' Glasgie?"

Mrs. Wilkie's heart waited. The clock ticked loudly. The widow Seaton paused with her

potato-paring knife poised in midair. On the kitchen threshold merry-faced Anne stopped and gazed as though she were watching a stage play.

"Sink me! What have I to do with Captain Drummond?"

Bang came the tumbler on the table; the steward's loose, foolish jaw was shoved forward defiantly. Yet what was there about him? Something — yes, the steward is in the grip of a great fear. Since frequenting the widow's shop, George had heard quite a lot about this Captain Drummond, because the captain, young Andrew Wilkie, and doubtless many others of his crew had belonged in this city of Edinburgh, of which, as you know, Leith is the port and a suburb. Folk were always asking him about this Drummond till he was fair sick of it. He leaned over and stuck his fat lips against Jamie's ear. "While we was on the coast of Malabar," he began with solemn, nautical preface, "a Dutch ship told us that Captain Drummond, out o' Scotland was turned — a pirate!" He leaned back and gazed at Jamie's astonished face. Yes, he had achieved an effect; maybe he could get another. "Aye, sir, so we manned our sloop, we did, putting guns and patereroes aboard, and got ready to give the Scot a pound or two o' lead." Now the creeklet of his imagination went dry. "He never came" he ended rather ineffectively.

Jamie was beaten. He drew off his artillery and departed to allow a light fire ship to come

alongside. But all Anne got for her wiles and her work was, as she put it, " He found they had a design to pump him; but they should not be the wiser of him, though what he had said he had said." He was no ship to be pumped, was George; but you see the implication that there was water in the hold.

Among the patrons of the house was a jolly old gunner, Will Wood, who used to come down from the fort in all his splendid regimentals to drink toddy and tickle the chin of the laughing Anne. He got interested in the " pumping " of George Haines, steward of the seized ship which lay outside at the dock, and resolved to try the bluff, hearty, man-to-man approach. He loaded George up with whiskey until he " fell into a melancholy fit," from the burnt-sienna depths of which he emitted this frightful croak: " It is a wonder that since we did not sink at sea, that God did not make the ground open and swallow us up when we are come ashore, for the wickedness that has been committed during this last voyage on board that old bitch *Bess.*"

By the " old bitch Bess " he meant the *Worcester,* whose spars might be seen through the parlor window dripping in the mournful rain.

Will Wood slapped the steward's knee. " Come, my lad, take a turn on the links; you'll feel better; what's a bit of wet? "

Dolefully George tottered out of the hot parlor. Behind him the genial artilleryman turned

and winked portently at the watching company. "Now's the time," said the knowing wink; "we've almost got him."

The pair strolled out by the castle, they walked on the golf links; they became intimate. Said jolly Will Wood at the right moment, "I heard a friend of mine say that he knew a man who got it right from a fellow that could swear to the truth of it, that the uncle of your first-mate, Madder, was burned in oil for attempting to set fire to the Dutch ships at Amsterdam."

George stopped in his walk. He raised a finger toward the sky — a reeling, waving finger — in solemn affirmation. "If what Mr. Madder had done during this last voyage," he declared slowly, "were as well known, he deserved as much as his uncle had met with."

Under all the circumstances, that remark could only mean one thing — the *Worcester* had been concerned in the piracy of the *Speedy Return* and the murder of her crew, who were then supposed to be all dead. Incredible as it may seem, this drunken maundering of steward Haines, coupled with the unintelligent suspicions of the Wilkies, the Seatons and others, passed from the water front to the city until it reached the officers of the law who — no more intelligent — made it the basis for a charge of piracy and murder against Green and his crew, upon which they were all arrested and marched off to the dark holes of the old Tolbooth prison. The *Annan-*

dale was forgotten; the *Speedy Return* and Captain Drummond took its place, and all Scotland roared with one voice for vengeance.

Why did George Haines thus seek to link the *Worcester* with the piracy of the *Speedy Return?* The conversations above reported between the steward and the Wilkies, the Seatons and Wood are exactly as given on the subsequent trial of Captain Green. At that trial the lawyers for Green and the rest of the crew accused with him of the piracy of the *Speedy Return* and the murder of Drummond, sought to explain Haines' motive by his love affair with Anne Seaton and his desire to become proprietor of the little Seaton tavern. They also laid much of his talk to the influence of liquor. There is something in both of these arguments, but it is probable that a greater motive than these two dominated him, and that was fear. With the state of the public mind in Scotland in the condition it was about Darien, the *Annandale,* the English and English East Indian traders, it is not unlikely that a notion blew about the water front when the *Worcester* came in to Leith and was seized that perhaps this was one of the hated East India Company ships, from which it was just a short step to the suspicion that, as such, or at any rate as an Englishman trading in the East Indies, the *Worcester might* have had a hand in the disappearance of the long overdue *Speedy Return.* Evidently, reasoned the

Scotchmen, the *Speedy Return* has come to harm; nobody would harm a Scotch ship in the Far East but some Englishman; here was an Englishman from the Indies; ergo, he probably had pirated the Scotchman. This thought, more or less tangible, was all about the *Worcester's* men as they loafed on the water front. In those times, such was the rigor of the criminal law and the uncertainty of acquittal, innocent men would rush to turn state's evidence and take the lesser evil of imprisonment rather than execution. That this was the condition of things would seem to be shown by the fact that Doctor May, the *Worcester's* surgeon, became state's evidence, as did the slave Francesco and another black who had been shipped at Malabar, and as many others made confessions as could hope for leniency. This fear, then, working on the steward's liquor-muddled brain, together with his desire to ingratiate himself with the Seatons, brought about the last act of a play opened by John Bowen in the Bay of Antongil in Madagascar.

With all of Scotland from north to south and east to west crying for vengeance, very little time was lost in bringing Captain Green and all the rest of his men, excluding the doctor and the two blacks, and including George Haines, who somehow missed the privilege of becoming queen's evidence, to their trial in the old court in Parliament Square in Edinburgh.

On March 5, 1705, the men of the *Worcester,*

with the sturdy and indignant Green at their head, were marched between the bare bayonets of the City Guards from the Tolbooth to the old courthouse in Parliament Square, there to stand their arraignment and trial. George Haines' liquorous eloquence is about to prove the efficient cause of many and tragic results.

A great crowd clogged the court benches and galleries, so much so that one could not have swung a thought, much less a cat, about one. The plain attitude of these blue-bonneted folk was that the accused and the troubles of Scotland were identical. It is fatal to become a symbol.

Beneath the bench was the lawyers' table, where now court servants were putting quills and papers and books. Already the prosecution is gathering about their end of the table, — a long string of grave lawyers, under the leadership of Procurator Fiscal, Alexander Higgins. And who will stand up for the poor sailormen? An astounding array, a most impressive alignment of legal ability will. Sir David Cunningham heads the defense, but he will soon drop out and be succeeded by Sir David Thoirs, with whom will be Sir Walter Pringle. Mr. David Forbes, Mr. George Alexander, Mr. John Spotswood and Mr. John Elphinstone. Why, these are names of as much professional weight as are those who will oppose them on behalf of the Crown.

How inspiring to behold this important company of lawyers quick to the defense of the forlorn strangers by the power of a pure love of justice and a jealous wardenship of the bright honor of the Scottish Bar! For how else could these sailors — worth not a penny between them, and with their captain but little wealthier — call to their side these advocates who had won even the dignities of knighthood in the contests of the forum?

For a distressingly cold matter of fact, however, there were several other motives which conceivably prompted the efforts of the gentlemen for the defense, and a way that you would never guess was the one by which they entered the court as procurators (attorneys) for the defense, and that was — but wait, let us not anticipate.

Sir David Cuningham smiled at Sir David Thoirs and presented his snuffbox; Sir David Cunningham bowed to the Procurator Fiscal and did not offer snuff. Mr. Procurator Fiscal could afford to overlook a little thing like that, for he felt this was to be his hour.

Presently the macers came in and the people shuffled to their feet and stood while the Judge of the High Court of Admiralty with his string of "assessors," or specially appointed assistant judges, all in their scarlet-dappled gowns, solemnly embanked themselves on the seat of authority.

The judges sat; every one but the prisoners

sat, and then Mr. Procurator Fiscal, née Higgins, arose, conscious of the spotlight, and with oratund voice emptied himself of two tremendous indictments, alike in word and effect; one directed at one group of defendants and the other shafted at another group. Canny fellow, this fiscal; he split the defendants so that, if by mischance one section were cleared, he might have better luck with the other. Evidently he was an impartial and fair-minded prosecutor.

If it were not that many men and perhaps some women have been hanged on them, those old indictments would be the law's best joke. Here is what might be called the Fiscal's charge proper:

"That upon one or other of the days of the months of February, March, April or May, in the year 1703," the *Worcester* "did encounter or meet with another ship or vessel, sailed by its own men or crew, upon the coast of Malabar, near Calicut, and the said vessel bearing a red flag, and having English or Scots aboard, at least such as spoke the English language"; which red-ensigned ship Captain Thomas Green and his crew first attacked with their sloop, and afterwards with the *Worcester;* that the defense was overcome, the defenders slain, their bodies cast into the sea and their ship looted.

Notice the fine explicitness of this indictment. On any one of the days of four months, in a vaguely indicated region, the defendants at-

tacked a ship carrying a red flag and manned by English-speaking sailors. The implication was to be gathered that the ship was the *Speedy Return;* but the prosecution could not quite go so far as to paint a name on the bows of the red-flagged ship.

The job of defending against this blanket charge probably looked too great to Sir David Cunningham, for he drops out at this point and the load falls back on Sir David Thoirs and his colleagues.

In addition to the charge, the indictments set out, through several pages of close print, the entire evidence which the Crown expected to prove. A great rigamarole, this, containing a particular recitation of everything that George Haines had said to the widow Seaton, her daughter Anne, Will Wood of the artillery, and Jamie Wilkie, with which we are already acquainted.

Incorporated with all this, was a long-winded yarn by the ship's doctor, May, who had been granted the comfort of turning state's evidence, and from which it appeared that the doctor himself and some others (among whom was the second mate, Reynolds, according to the oral admission of the Fiscal) being ashore and hearing the firing of guns, came to the water's edge and saw a captive ship riding at the stern of the *Worcester.* The cannonading had ceased by that time, so the surgeon went aboard, where he found

the decks of the *Worcester* littered with goods. He asked the reason of it all of one of the crew, whereupon John Madder, first mate, overhearing him, turned angrily to the doctor " in a tarpaulin temper " as the doctor says, and exclaimed, " D—n you! What have you to do to inquire? Meddle with your plaister-box! " The surgeon then went down to his " chest " and called for the wounded to dress them; three of whom, " Antonio Ferdinando, and one Duncan McKay, now dead, and another " came for treatment. These refused to tell him how they came by their wounds " whereupon the chirurgeon refused to dress them if they would not tell him how they got their wounds, and the said John Madder came to the chirurgeon in a passion, and asked what his business was to ask so many questions, when he did see the wounds so plain before him, calling him a blockhead for not dressing them," and winding up by ordering the doctor ashore. There the surgeon met the ship's interpreter, hired locally for the sojourn, who told him that some of the crew of the *Worcester* had brought the captured ship into the Keilon River and sold it to Cogi Commodo.

Such were the indictments, and they were so drawn because of the peculiar nature of the jury's verdict under the Scotch practice, which did not find the fact of guilt " as charged," but merely the truth of each item of the evidence, leaving to the court to pronounce the legal signifi-

cance of those findings. It's a jumbled-up thing and would take a treatise to explain. Some historians charge that this form of verdict was the child of political skullduggery and framed first to catch covenanters and other radicals for whom juries were showing too much sympathy and were acquitting on the general verdict; the idea being that a jury would have to find as a fact that Dougal was meeting in a bog with his confreres, while the judge could remove from the jury the temptation of turning in " Not guilty " by reserving to himself the declaration of the legal import of the finding of fact as to Dougal's actions.

Next, after arraignment the indictment (we refer to it in the singular as both documents were of the same effect) must be approved by the judges; that is, the court must declare that if the evidential facts set out in the indictment are proved, such facts will make a proper charge and, if found by the jury, will be sufficient to convict.

Obviously, then, the big battle of this campaign must be fought across the indictment. Alec the Fiscal, with his army, will struggle to get it approved; Davy Thoirs and his gallant legion are ready to break their hearts in an effort to get it condemned. The actual trial will not be important, for if the indictment be held good, the Fiscal's witnesses will simply recite what is already written in that indictment, and all the

jury will be able to say will be that sometime in February, March, April or May, 1703, the *Worcester* was off the coast of Malabar, that the ship's doctor heard but did not see firing, that he was told the prize was sold to a Malabar merchant; that a drunken sot babbled in a widow's house, and the court will have already pledged itself to declare those circumstances constitute piracy, robbery and murder.

Three occasions, March 5, 7 and 13, mark the chronology of this high forensic conflict. Its most lucent presentation requires that the time element be disregarded here, and the arguments put together as a whole. The debates were oral but we know what passed because, according to the fashion of the time, what was said in court must afterwards be put in writing by counsel and given to the clerk "to be entered upon the court books."

Choosing our own time arrangement, then, first the defense attacked the jurisdiction of the court to hear the case at all. It was argued that the alleged crimes were committed on the coast of Malabar and by Englishmen, therefore the accused should be sent to England for trial. Alec the Fiscal countered that the crime charged being piracy, and pirates subject to arrest anywhere, the place of arrest and not the place of offense determined the court's jurisdiction, — what you might call the geographical boundaries of its power. What Alec the Fiscal is thinking

of is the indisputable principle that pirates actually in the act of crime may be taken anywhere. That is not the same — and he must have known it — as a presumably innocent ship being informed against on suspicion. English admiralty practice was somewhat of a bar to the Fiscal's theory, so he kicked the English admiralty courts out of the window, saying, " as for what may be the custom in England, it doth not concern, nor can be any rule for us." Looking at it that way, of course the judges had little trouble finding themselves competent to arbitrate the fight. Roars of delight from the Darien stockholders.

Second, the gentlemen of the defense now threw their weight against the indictment itself. They urged that it was too informal, too general, too indefinite; that it did not specify day or place, and only by far-drawn implication charged that the vessel pirated was the *Speedy Return.* Here's the exact language of their protest:

That the libel (indictment) was irrelevant, as being general and indefinite, not condescending (stating) upon the name, designation, or any other sign or evidence by which the ship alleged to be seized might be particularly distinguished, nor yet the persons' names alleged to have been murdered, or to whom the ship and goods robbed did belong; which seem to be absolutely necessary in all such criminal indictments, not only as a requisite in form, but in equity and reason; with-

out which, persons accused should be in great hazard from general and indefinite libels, and precluded from their means of defense, which otherways are obvious, when the accusation is certain, special and pointed.

Strong, sane, splendid words! Cutting through the fog of passion and prejudice like a clear, pure beam of sun. Whatever may have brought them into the case, Davy Thoirs and his men are here the mouthpieces of the law in all its majestic wisdom.

How did the Fiscal meet this smashing onslaught? He dodged. "He had informed as definitely and closely as the thing would allow," he whined, "for what sense or reason is there, that the prosecutor should be made to state positively on day and place, in crimes that are crimes at all times and everywhere; unless it be for the very reason that the defender, acknowledging the crime, offers to purge himself by the exception of alibi?"

Hardly credible, is it? A prosecutor should not specify the date and place of a crime lest the defendant prove he was somewhere else at the time. This is the atmosphere, surely, of Alice's Wonderland. Why, a defendant might actually have been somewhere else than at the place of the crime, and what would a poor Fiscal do then? Sir Patrick Home at the bar rolled a pathetic eye up at Sir John Home on the bench. What

will happen in Scotland if people are going to insist on such absurd propositions as that advanced by the defense? Well-a-day and two Alacks!

The judges would consider the matter.

It did not do to make any false moves before Davy Thoirs, and this is just what the Fiscal did when he admitted that John Reynolds, one of the defendants, was ashore at the time of the attack. Swift, hard, the defense hit this point. Under that practice one defendant in a criminal action could not be a witness for a co-defendant until " so purged from being *socius criminis* (a fellow criminal) " as to be " put in case to be a witness." If Reynolds could be cleared of the crime he could testify for his fellows. For a situation of that sort the law provided that one defendant wishing to use another as his witness was to " raise an exculpation " on behalf of that witness; that is, he would offer to prove such and such facts concerning the desired witness, upon which a trial was to be had, when, if the party were cleared or " exculpated " he could then take the stand and return the compliment to his erstwhile co-defendants. On behalf of the accused, the defense now offered to exculpate and thus qualify John Reynolds, on the ground that, as admitted by the Fiscal, he was on shore at the time of the crime charged and therefore not *particeps criminis.*

The Fiscal roared. " You can't do this," he

yelled, and the noisier he grew the vaguer his argument became; you have to positively offer to prove Reynolds was somewhere else on some exact day or not on his ship for four months together. My indictment may be vague, was what he meant, but your alibi must be as specific as a bookkeeper's accounts. Why, that was why he had drawn his indictment so loosely, — just to head off alibis.

The judges would consider the matter.

Why continue? It was all on that stripe.

On the morning of the thirteenth, the judges announced the conclusion of their deliberations.

" The judges and assessors," came the stiletto tones from the seat of Justice, " having advised both the indictments pursued by Mr. Alexander Higgins, Procurator-Fiscal of the High Court of Admiralty, against captain Thomas Green " and the others, find, that " Reynolds being libelled against as *socius criminis,* a fellow criminal, and there being no specialty or particular ground of exculpation proponed, why he should be previously tried repel " the offer of the defense to exculpate him and " repel the objection against the generality of the indictments, in regard to the nature of the crimes and find the crimes of piracy, or robbery or murder, as libelled, being proven by clear and plain evidence, relevant to infer the pains of death . . . and remit the whole to the knowledge of the assize (jury)."

Captain Green's snuffbox tinkled along the floor. Sir Patrick Home of the prosecution glanced up gratefully at Sir John Home on the bench; the audience breathed a collective Ah! The judges rose and passed out; their gowns were more than dappled, — they now dripped with scarlet.

March 14, and the thing could be quickly finished. The assize, or jury, was impaneled, made up of fifteen members, whose verdict was sufficient, if found by a plurality of votes.

Mr. Fiscal first put on the stand Antonio Ferdinando, cook's mate. He testified through an interpreter, one captain Yeaman. After asserting that he was twenty-four years of age, single, a Christian and the son of Christian parents, he claimed that he saw the *Worcester* attack the unnamed ship "upon the coast of Malabar", practically as set out in the indictment, and that in the engagement he was wounded in the arm, "which wound he now shows to the view of all." Sensation in the courtroom! He said it was a running fight and lasted for three days, and occurred between Tellicherry and Calicut. During his testifying it was apparent that he was extremely sick, and from time to time he had to stop and stretch at length on counsel's table until he could recover his strength to proceed.

Next up was Doctor May, who said he was twenty-six years old, and who, being white, en-

joyed the presumption of being a Christian. He repeated the statements which he had given for the indictment. He said he heard the firing while he was at Callequilon. If Ferdinando truthfully told that the attack was at Calicut, the doctor must have had unusual powers of hearing, for that place and Callequilon are more than one hundred miles apart. This was a little too much for even this tragic farce, so towards the end the doctor brazenly switched his testimony and said that the firing happened while he was on the ship "going up the coast of Malabar."

Antonio Francesco, the slave, was the third to come on. He had been chained to the forecastle floor during the firing, but was told by Ferdinando that the sloop was attacking a ship. He added the highly significant information that Ferdinando was only employed forty-eight hours before the *Worcester* left Anjango for Bengal and home! If that were so, he was not on the ship at the time Doctor May was at Callequilon, for that was long before the departure for Bengal.

But then, one could amuse one's self indefinitely picking out this kind of discrepancy among the witnesses.

James Wilkie, Will Wood and the whole Seaton circle, of course, washed their faces and came trippingly to court to tell of the important utterances of George Haines, and to impinge their

little personalities a moment upon the national retina.

Under the custom of that day counsel for the criminal defendant could not give his client much help on the facts, but Thoirs went as far as the law would allow him. He disputed the qualifications of the Antonios, claiming that they did not own ten pounds apiece, and therefore could not be heard to testify in a Scottish court. This was easy for the Fiscal. "Oh," said he, "we calculate that each has wages coming to him from the cruise, which will total more than ten pounds." And the court declared the witnesses qualified! If Sir David Cunningham knew of this ruling he must have been glad he quit.

Evening came on, yet the court sat through. The macers lit the candles, making little pools of yellow light in the mid-March murk of the old courtroom.

Green essayed a feeble cross-examination but could make little headway with a weapon which requires the finest skill of the most practiced hand, and which, clumsily used, will certainly cut the examiner's own fingers. As to any affirmative defense, nothing could be advanced under an indictment of the kind laid against him, for what was there that he could specifically approach and rebut; all he could say was no. One thing he did advance and which carried no weight with the assize, but which is meaningful enough for us, and that was that there was indeed firing

upon the coast of Malabar and by the *Worcester's* guns, but it was nothing more than the five salutes to the ship *Aureng-zeb*.

The "probation" or taking of testimony ended. Sir David Dalrymple, her majesty's solicitor, rose to "speech the assize" on behalf of the prosecution. "Forgive me," he blandly began, after complimenting them as persons "so discerning and faithful", "if, after a *sederunt* (sitting) of twelve hours . . . I detain you a little longer in recapitulating what has passed, with some few observations, I hope not improper, before ye enclose." Those "few observations", invariably the preface of the complete bore! For two hours more this fellow rehashed the evidence, in heads and subheads until a mathematician would have endangered his reason keeping count thereof. What a point he made of Captain Thomas Bowrey's code, found on the seizing of the ship! A regular devil's document it was. As a matter of fact it was nothing more than a meager little forerunner of the ordinary commercial code of to-day. The whole matter, he asserted, was "as clear as sunshine." Rather as clear as mud.

Midnight had chimed from the town clock when counsel for the defense took the floor. The candles guttered in their sockets, making jumping blotches of shadow upon the faces of the judges, heavily sunk in their seats, fighting with sleep; in the blackness beneath the bench the

macer drooped forward in his chair; Dalrymple left the assize in various postures of exhaustion, some with their heads thrown far back, yawning at the ceiling, others dozing upon their knuckles crooked perspiringly on walking sticks; the panels, or prisoners, hung on doggedly to the bar rail, or squatted defiantly upon the floor, their tropic-tanned faces seamed with the drear sojourn in the Tolbooth, — snared sea birds cruelly caged. In the throng of spectators, nature had triumphantly overcome the curiosity of many and had whisked them away to the realms, somber or sparkling, of dreams; little children lay prone on their mothers' knees, their locks wet against their fair foreheads, sweet and lovely flowers in this stagnant pool of human passion.

No record has been kept of the speech of the defense; we can easily think, though, from the splendid fight they had maintained, that they did not weaken in this last trench, this so hopeless and shattered barricade.

The trial ended.

The assize was turned loose with orders to come back the next day but one with their verdict, "under pain of three hundred marks." After wandering all over town for a couple of days, the fifteen good men and true strolled back to court at the time appointed, and gave in the following verdict: "They (the assize), by plurality of votes, find that there is one clear witness as to the piracy, robbery and murder libelled; and that

there are accumulative and concurring presumptions proven for the piracy and robbery so libelled; but find that John Reynolds, second mate of the said ship, was ashore at the time libelled."

So Reynolds would have been "exculpated" after all! What do their honors think of that?

Who could the "one clear witness" have been?

And how shall we salute the anonymous minority who did not subscribe to the verdict?

The quietness which lasted while the verdict was formally sealed was broken by the precise tones of David Forbes, one of the lawyers for the defense. A last blow for his sailors? No. He is telling the court that he is attorney for the Scotch African-Indian company and in their name desires to enter protest against the setting over to the Crown of the ship *Worcester* and her cargo. Thus one of the little kittens of this narrative jumps from the bag where she has so carefully been kept.

The lawyers for the defense wholly or in part — at any rate considerably — came into the case in the pay of the Scotch African-Indian company!

Strange, is it not? Here's all Scotland, raw with the sore of Darien, shouting for the healing ointment of English blood, and here is the company, heir of all the grievances and privileges of the Darien disaster, spending money to keep that relief from the angry sufferer.

French folk say that in a mystery one must search for the woman. French folk are too naïve. One should look for the dollar, beside which the woman is but a key of putty with which to unlock the riddles of life.

Here's the thing: if the men of the *Worcester* were convicted of piracy, that ship, under the law, would escheat to the Crown; otherwise, the Scotch African-Indian company was entitled to the possession of it as reprisal for the seizure of their ship *Annandale*. Thus thousands of pounds' worth of ship and cargo would be lost to the company if Green were convicted and his ship set over to the Crown.

In this none too simple world of ours a good end is sometimes strangely forwarded, not by those for whom it may be an advertised goal, but by ones who, so far as they know or care, are serving the completely selfish moment. This strife for the *Worcester* put the ablest men of the Scotch bar at the service of Green and his crew, and gave his cause, and incidently that of justice in the abstract, the utmost help the times and practices permitted to the defense in a criminal action. These keen, adroit company lawyers wrung every drop of advantage they could, and on the law, as law, utterly routed the prosecution and luminously exposed the prejudice of the court.

On Wednesday, March 21, the *coup-de-grâce* was given. Captain Green and all the rest, in-

cluding George Haines — doubtless sober now — received their sentences. It was decreed that one group of the defendants should on Wednesday, April 4, another group of the Wednesday following that, and the remainder on the third Wednesday, or April 18, " be taken to the sands of Leith, within the flood mark, betwixt the hours of eleven o'clock in the forenoon and four o'clock in the afternoon, and there be hanged upon a gibbet until they be dead."

And — that the ship *Worcester,* as the vessel of the pirates, should be set over to her majesty the queen.

Antonio Ferdinando, cook's mate, lay fevered on his pallet in one of the high attics of Edinburgh. There was a roaring in the street as of a public celebration; the cries welled up from below, the people of the house exulted on the stairs, and crowding into the sick room shouted, " The pirates are to die." Antonio shivered, moaned and expired.

III

Gusts of rain were splashed by the spring winds round and about the hilly streets of Edinburgh; the defeated sun lay like a large pale yellow blot against the moist clouds. Yet very early in that morning of April 4 throngs of folk were crowding to the prison gates and scattering about the sands of Leith. For to-day Darien was to be avenged.

In the chambers of the Scottish Estates, in Parliament Square, the privy council assembled, attended by the city magistrates, for a tumult was clearly prophesied.

"The idea!" puffed my lord chancellor, getting into his gown. "Such a clamor about the prison! Would they intimidate us with their uproar. Mr. Magistrate, go sweep them through the gutters to their kennels!"

"My lord, I hae no broom big enow."

The clerk presented a petition, signed by many of the better consciences of the town, praying a reprieve for the condemned pirates. The council turned the matter about with grave, genteel speech.

"What a file of names! They seem to urge that Reynolds should have had opportunity of

exculpation. Well, we discharged Reynolds, did we not?"

"In view of the verdict, my lords, I am inclined to think — well, that he might have been exculpated."

"And I."

"And I."

"The indictment was good, my Lord Chancellor, of course — did we not so hold. But the fact of death — ordinarily, of course, it should be shown. Ordinarily, I say. The other rule is a little dangerous, is it not? The *corpus delicti* — it is a sound doctrine — usually."

"Oh, ordinarily — certainly. Macer, close the window — the noise from the prison yard is getting intolerable."

"My lords, my lords, they're under our windows! Oh, my lords, such a press, and ilk has a stick or a stane 'n's fist.

"Mr. Magistrate, you will see to the protection of her majesty's council."

"Aye, my Lord Chancellor — or die wi' ye."

"Tush! tush! Such blathering! Die? Who said die?"

"Heavens! Who's thumping on that door?"

"My lords, the people cry that you are reprieving the pirates!"

"I pray that no torch be set to the town. Shall I step forth and promise the people, on the honor of a magistrate, there shall be no reprieve?"

"Reprieve, Mr. Magistrate! Who spoke of reprieve?"

A gust of wind from the open door blew the petition fluttering to the floor. None stooped to pick it up.

The council adjourned. The chancellor got as far as the old Tron church when some pudding-face in the crowd shouted the pirates were reprieved. A wave of people beat against the chancellor's coach, they smashed the glass, crashed in the panels, and might have licked up the blood of the worthy nobleman himself but for the onrushing bayonets of the city guard, and, what was more effective, — a sudden, cyclonic roar from the throng at the prison gate, announcing that Green, Madder and Simpson were departing in the death wagon for the doomful sands of Leith.

Dimmed, indeed, was the honor of Scottish lawyers when bench and bar could thus go hand in hand to cast to the wild beast of public passion the unprotected and the innocent. Even the defense — able, adroit, complete — was not purely disinterested, yet amid all those mad scenes one soul, at least, kept the noblest traditions of the law alive within him and splendidly redeems his profession. For a young, obscure lawyer sat attentively in court during the whole trial, and, on the day of doom, clad himself in a suit of complete mourning and attended at the sands of Leith, and, when Justice had completed

its terrific miscarriage, he, at the risk of his life, saw to the decent interment of the poor victims. That young man was to be the future illustrious Duncan Forbes!

None of the other *Worcester* men were executed. Between March 16 and April 3, Thomas Linsteed, John Bruckley and George Haines made solemn confession of their fictitious crimes before James Graham, the judge admiral. But these confessions are dismissed by a contemporary writer as worthless and purely self-serving; they merely elaborated the tale already told and were obviously made to repair the weakness of the State's case, and as the prosecution's apology for an act already beginning to disturb many consciences.

The public blood thirst was slaked. One reprieve followed another, and eventually the whole crew drifted out of prison, out of the country and out of the view of history.

And a few days before the execution of the three ill-fated men, our old friends Israel Phippany and Peter Freeland landed in England, but too late to prevent the tragedy of Leith sands, and revealed the true fate of the good ships *Content* and *Speedy Return!*

A moralist must find this tale provocative. Mark the factors of evil in the case; the commercial greed which seized the *Annandale,* the violent crime of Bowen in pirating the *Speedy Return,* the blind national anger which perverted

public opinion, and which in its turn warped a timid and compliant court and council to its will, the individual habits of a ship's steward, and the fear for their personal safety which made perjurers of the State's witnesses. One's speculation is challenged.

These tragic deaths were not entirely fruitless. Although not the foundation of the principle, nevertheless this celebrated cause went far to rivet unshakably into the foundations of English jurisprudence the vital doctrine of the *corpus delicti,* — proof of the actual fact of death before a charge of homicide will lie.

CHAPTER SIX

" WHO FIRES FIRST? "

John Gow

I

" As we eat, so shall we work."

Almost immediately after leaving Amsterdam old Paterson had set up his insistent croak; from his hammock under the poop when the roaring officers called the shifting watches, on the sleety deck and aloft in the wind-taut rigging, and the last thing at night in the great cabin, even at the solemn moment of common prayer, when his captain and master slowly read the form of evening supplication, this ancient and discontented shellback continually muttered his plaint to wind and waves and willing and unwilling ears, " As we work, so shall we eat."

If looks could kill, the poor cook of the *George* would long since have perished amid his pots and pans, for it was when, at the appointed times, or as the emergencies of the ship demanded, old Paterson rolled with his pannikin and mess-kid to the galley that his obsessing whine became a

shriek and his filmy eye burned upon the humble dispenser of the victuals with a consuming hate. Not that the cook, in himself, offended old Paterson, but because he became a symbol of oppressive shipmasters and exacting shipowners who sought to pare another penny of profit from the stringy stomachs of their 'foremasting slaves.

Justice would indeed be blindfolded, nay, have no eyes at all, if she could not see that old Paterson had some cause for complaint. Little meat and less bread; rum thimbled out as reluctantly as a small boy dividing his lollipops under compulsion; a menu, in fact, made up of tepid water tinctured to the point of tantalizing with suggestions of what might, under proper conditions, have been food, made meager fare for men lashed into crying hunger by the snapping sea gales.

And when still a long way from Santa Cruz, in the Azores, whither the *George* was bound, the twenty-four men of the crew were put on " short allowance ", old Paterson, with his croak, became a soloist now supported by a chorus. " Short allowance " —certainly, an artful misuse of the comparative degree—had always been short, and in truth could only be called shortest.

At Santa Cruz they sluggishly laded the ship with beeswax, and although the chandlers pressed importunately about the skipper, he gave no orders for any considerable increase in the provisions for the homeward voyage. Were they to

make the journey back on that misnamed " short allowance? " It rather looked as though they would. Cargo was stuffed into the hold in plenty, but no fresh sides of beef came to cheer the toiling seamen; no flour, no bread, nothing but a few bottles of wine which, however, went into the great cabin and the custody of the thrifty key. Perhaps provisions would come aboard when the loading was done; at least the younger and less sophisticated men hoped, but old Paterson shook his earrings and clubbed pigtail. He had followed the sea long enough to know the character of his ship.

Among the officers of the ship, the men had but one whom they could look upon as a friend, — John Gow, the second mate, a youngish man from the Orkney Islands. A capable sailor was John Gow, yet never too busy to sympathize a moment with the miseries of his men, nor too much the officer to spend a kindly word on an outcast crew. But what could a second mate do? Was he not simply a block for his superiors to kick with the expectancy that he would pass the compliment on to his subordinates? Exactly.

" As we eat, so shall we work." John Gow heard the slogan spreading like a kind of vocal slow match to the powder magazine of disaster and only smiled.

When the beeswax and other cargo was in, the unmistakable notice of departure appeared in the formal reception by the captain of his charterers.

The gentlemen came aboard in their best clothes and were escorted to the quarter-deck, where an awning had been spread against the sun, and a cluster of wine bottles glowed with their purple prophecy of comfort. From the waist and forward, eyes of envy and dislike turned furtively on the pleasant company aft, merry now in the exchange of compliments.

"We're starting," cried a youth, plaintively, "and there's no victuals aboard."

Old Paterson was not going home on an empty belly. If he knew anything in this world, he knew that much. Around him clumped a group of seamen, and somehow, probably with little premeditation, they suddenly started aft and shocked their captain by intruding on the sanctity of the quarter-deck. The merchants leaned back from their bottles and looked as though they thought the end of the world had come. Simply unheard of!

Old Paterson bowed and scraped politely. "Cap'n," he began, with the habitually humble voice before authority, "we're on short allowance. We hope your honor ain't agoin' home without proper victuals aboard."

His supporters growled their amen. The captain, hardly holding himself in from hurling a chair, a bottle, a tackle block or anything handy at the presumptuous faces before him, rose up and frigidly replied that there was a steward aboard who had the care of the provisions and all com-

plaints would be properly redressed. The tarry gang tumbled back to their proper sphere, leaving the captain in a muddle of embarrassment and suspicion, — embarrassment for his fractured dignity, suspicion because the intrusion indicated a perhaps germinating rebellion.

Old Paterson leered at his guard of honor. "As we eat, so shall we work."

The merchants in polite course quitted the ship, and the captain, without commenting on the incident of the afternoon, ordered the anchor up and the sails shaken out. They were starting, and there was not a square meal for one, let alone twenty-four men aboard. Short — shorter — shortest allowance all the way home.

The crew lagged at their work; particularly old Paterson, who crawled into the shrouds so sluggardly that the captain marked him, and in round sea terms demanded why he did not get to unfurling the sails more seamanlike. Old Paterson turned like an aged rattlesnake.

"As we eat, so shall we work."

The captain caught the mutter, and so did John Gow, the second mate. The captain prudently did nothing about it; the second mate grinned and gazed innocently out at the greenish sea.

II

Apprehension—almost premonition—dropped heavily upon the skipper as the day marched to a gray and windy evening. The complaining deputation that had assaulted his quarter-deck in the early afternoon, the open grumbling of old Paterson, and above all, no doubt, a something in the demeanor of the men, which an experienced master might read like the signs of the sky, foreboded the brewing of violence.

He and his mate were standing on the quarter-deck, where, in the dusk, two or three men passed and repassed them on the business of the ship. The mate himself felt the coming of a worse storm than that of wind and wave, and when the captain, bracing himself sufficiently to confess his fears and suggest that small arms should be gathered and placed in his cabin " in case anything should happen ", his chief officer, glad to air his secret anxiety, at once set about the business.

And the first thing he did was to call John Gow and order him to attend to the cleaning of the ship's muskets, pistols and cannon.

" Aye, aye, sir," responded Gow, and slipped briskly forward.

Almost at the same time two of the men who had been fumbling with the ropes on the quarter-deck sank down the companion ladder and met the second mate in the forward gloom. The three spoke together closely, with much tossing of indicative thumbs over their shoulders.

The arming of the captain's cabin went but tardily; little delays such as lost keys and so forth kept the thing at pause until eight o'clock, the daily hour of divine worship, not to be foregone for anything but an irresistible typhoon. In the " great cabin," as it was called to distinguish it from the lesser cabins of the mate, surgeon and supercargo, one half of the crew met while the other half kept on deck and worked the ship, thus taking turn and turn about at prayers. The captain stood under the lantern which jerked and bobbed and anon struck its metal guards sharply against the ceiling with the tumbling of the ship; the pigtailed crowd knelt in a shadowy motley about him, the jumping light threw the blackness off the polished oaken wainscoting, or gleamed an instant on the captain's graying beard, and again suddenly and sharply picked out a hairy, tattooed arm bracing some worshipper against his lurching chapel.

Against the cabin windows the seas slapped smartly and with a kind of repetition as the movement of the ship turned one side and another into the depths, the cabin door banged explosively with a quick capriciousness of the wind;

overhead, faintly, the cries of the navigators could be heard; with it all, the reader pursued doggedly the liturgy of that most sublime achievement of the English religious genius, the book of Common Prayer.

Did he, as his square thumbs turned the pages, light for a moment with chill dread upon the Burial Service?

The arrangement of the watches provided that those who attended the service of prayer should go from there to their hammocks and rest until it was time to relieve the next watch.

"Who fires first?"

A man fully dressed, but without his boots, gently punched one of the bulging hammocks and whispered this strange question to the occupant whose head bobbed up. If the man addressed knew who was to fire first, he did not say so, for his only answer to the query was to roll deftly out of his hammock and drop, with a scarcely audible pad of bare feet, to the deck, tightening his belt about his waist and twisting his dirk scabbard conveniently in front of him.

"Who fires first?"

From one hammock, selected from the swaying lines, to another the queer question proceeded, always receiving the same reply, — tight lips and a quick flop of feet on the deck. Six men had been asked in the gusty darkness who was to fire first and now, cautiously fingering their way along the deck works, and in single file, they crept

toward the cabins of the first mate, the doctor and the supercargo.

The passageway connecting these small cabins was heavy with the smell of old tobacco, drugs, wine and wet clothing and lighted by one small lantern above the entrance. Softly, softly — a hand gently thrust against a swinging door — a foot across the threshold — and death was laid quickly at the throats of the sleepers.

The mate, however, was a strong man. Clutching his gaping throat convulsively with his two hands, he ran to the deck, only to meet a conclusive volley of pistol balls.

The captain, hearing the uproar, came up in his slippered feet, calling out for the cause of it all, to which the boatswain answered that he thought a couple of men had fallen overboard. The captain rushed to the side and gazed into the black waters, and immediately was seized by two men, who struggled to hoist him over the bulwark. Desperately, the victim fought in their grasp, but scarcely had he twisted himself once about, ere, in back and front, the dirk sank into his flesh.

"As we eat, so shall we work," grinned old Paterson, wiping his wet blade on the poor remains.

III

Amid an infernal hilarity, the officers' cabins were now looted. The little chests of personal belongings were smashed in and the contents tumbled out to be grabbed by whoever could get to them first. Watches, cheap trinkets of jewelry, silk handkerchiefs and what little money could be found were divided with shouts of dispute. But two or three boxes containing considerable coins and the property of the shipowners were withdrawn for more decorous and equitable division.

Everything in the way of liquor was rushed to the quarter-deck and a night-long orgy ensued. The ship somehow wallowed along while its masters reveled. With a bottle of wine in one hand, the greedily gulped liquid streaming down his bushy beard, and a cutlass in the other, one Williams, a proper rascal, smote his weapon ringingly against a cannon and cried, " Captain Gow, you are welcome — welcome to your command."

In this way, informally but effectively, second mate John Gow accepted his promotion to the office of captain.

Captain Gow politely returned the kindness by saying, " Mr. Williams, you shall be our lieu-

tenant." Thereupon the nominations were closed, as parliamentarians say, and the elections unanimously carried. The night went along in a roaring good humor till the placid eye of morning, slowly opening in the watery east, was shocked to find the decks red with an unholy stain.

As a matter of fact, the whole affair had been carried by a group of eight men, six of whom had been summoned from their hammocks by the watchword "Who fires first?", the remaining two being up on deck. From the circumstance we have just seen, John Gow must have been a party to the criminal enterprise, as he indeed was.

Four men were over the side, eight were conspirators; thus there remained twelve men of the crew more or less neutral. These men fled for hiding to the shrouds, into the lazaret, or anywhere that might shield them from the passionate tempest.

A very similar circumstance has often engaged the interest of the story-tellers. If this were a fictitious narration of the conventional sort, this thrilling situation would be artfully resolved by the wonderful recovery of the ship and the ultimate defeat of the mutineers by the faithful and ingenious twelve. If it be permissible to point out the deficiency of such enthralling yarns, as related to practical fact, it would lie in the circumstance that by the time the ship had been

recaptured there would not be enough men left alive to work it, and, at least according to the canny calculations of Lloyd's, it would thereby become an impossible risk.

John Gow had a ship to man, and as no ship probably in all history ever started out with too many hands, generally too few, the *George* must be supposed to have been no exception to the common rule; hence while Gow might personally have liked to toss all opposition over the bulwarks, he realized that to do so would have been tantamount to wrecking his vessel, so another method of approach to the problem was indicated.

First, however, he had to get his lively eight in hand. As the morning waves slapped foamingly across the slanting deck, the challenge to orderly work was obvious. He therefore, in a regular quarter-deck talk to the men, demanded their obedience and good conduct, concluding with the announcement that alone ever assured harmony to a pirate ship, — an equal division of the spoils to all, with a double share to the ship, that is, the captain.

Next he sent a deputation with drawn cutlasses to hunt out the fugitives and bring them before him under the persuasion of peaceful treatment. Out of their refuges came the frightened and tousled seamen, doubtless full dubious of the efficacy of the promise of him whom they now regarded as a monster. Lining them up, he thus addressed them:

" Men, the inhumanity of the captain, of which you as well as we have complained, produced the consequences of last night. We are now going on a cruise. You may join with us, and if anything good comes to us you shall have your equal share. All I require is obedience and good order. You who have not been in this conspiracy have nothing to fear from us; do your duty as seamen and you will be well paid."

Four of the twelve grinned and stepped over to the ranks of the mutineers; eight stood dumb, answering never a word. It took a great deal of moral courage to stand amid those eight, deprived of even their dirks and utterly helpless in the hands of a crowd capable of the horrors which the eight had witnessed.

In the story of the sea, the bravery of naval battle, the courageous deportment of men on sinking ships, the unselfish giving of one's life for another, all these have been properly remembered with all the glowing artifice of rhetoric, and the heroes' names treasured in the marine annals of their country. Unhonored and unsung, for the most part, are those obscure sailors who, without the incitement of martial camaraderie, without the applause of onlookers, without expectation of fame — in the most dejected and hopeless of situations — have manfully stood by their notion of conscientious duty against their mutinous or piratical fellows. Nevertheless,

these unknown ones ascended the very height of true heroism.

Conduct of this kind brands as a lie the cynical saying that " every man has his price ", for some men will not accept life itself in payment for principle.

Quelch, the Boston pirate, had his sturdy protestants; so too did Major Bonnet, colleague of the infamous Blackbeard, and so did many other sea rogues. In truth, almost every instance of the sort exhibits the moral hardihood of an incorruptible minority.

John Gow's eight were delivered over to the rough abuse of Lieutenant Williams, who flogged them at will, and set men to keep them at work at the point of the cutlass. On them fell all the hard labor of the ship and they became the drudges of whatever roistering rascal chose to command them.

At the same time, there is a final leniency about Gow's treatment of this minority which lifts him from the charge of entirely purposeless ferocity. Purposeless ferocity is a tradition of piracy, but a curious thing is that not one of the pirates, of the major type, whose crimes were afterwards subjected to judicial examination, is particularly marked with a simple lust of cruelty. Tales of brutality abound concerning ruffians like Lafitte, England, Low, Lewis, Rackam and the rest of the roguish gallery, which may or may not be true. The same stories circulated about Kidd,

Quelch, Avery and Gow, but when compared with the judicial records, the source alone of this series of pirate tales, of the activities of these last-named men, merely wanton cruelty is notably missing. On the contrary, in not a few cases there is a surprising magnanimity manifested by men of undoubtedly criminal disposition.

Lives were taken in the actual capture of ships, but when the pirates gained possession there is no judicial record of plank-walking or other inhuman treatment. More often than not, the pirate chief recruited new hands from among the captives, though apparently without compulsion, and those that refused to join the black flag were commonly allowed to return to their ship and go their way. Plunder was the chief quest of the pirates, and that obtained their interest in ships or men ceased. If the pirate coveted the ship for his own use, he generally disposed of its crew by signing on those who would and putting ashore those who would not. Not that he was a tender chap — he could be very frightful where he conceived his profit required violence — but merely sportive torture was not a characteristic of those remembered in the only authentic sources of the subject, — the printed trials of the pirates. If this is true of those of whom we have definite information, it follows that the sanguinary accounts of those who never came to trial must be considerably thinned out by doubt.

Gow in his method followed the invariable

practice of piracy: he stole his ship. They all began that way. In all the judicial reports of piracy we have examined only Major Stede Bonnet bought and outfitted a vessel for what was then called "the grand account." In two cases that we know of, the disaffection of the crews made possible their corruption; Henry Avery, mate of the *Charles the Second,* capitalized the discontent of the men at not receiving their pay from the Spanish Government, and as Gow, in his quarter-deck speech declared, short rations and harsh treatment combined to drive the crew of the *George* into mutiny. Probably the captains of neither the *Charles the Second* nor the *George* were individually responsible for the condition; they were themselves creatures of circumstance, but as representatives of the owners or charterers they became the tangible objects of undiscriminating violence.

The men who managed mutinous plots such as these were much more shrewd in their selection of conspirators than were the men who attempted the great political plots of history, for the sea plotters seldom or never had a betrayal. They never approached the entire crew, but picked out a positive core, who would hold fast, seize ship and weapons and dominate the situation. Perhaps this resolute conduct rose from the personal sense of wrong under which the individual plotter suffered; self-interest only could have produced so tight an adhesion to the group. The first part

of the game called for few rather than many men, and apparently Gow could have persuaded four more men to come in with him than he actually did.

Properly, the matter was a mutiny but its development into piracy was inevitable, foreseen and provided for. In their position, they might as well hang for a sheep as a lamb.

Another typically piratical trick followed; they painted out *George* and substituted for it the name *Revenge,* of all ship's names the best beloved of pirates.

The sailmaker hemmed up a strip of black bunting and under the funereal ensign they turned their prow to the affronted sea.

IV

Living at the unregulated rate they were, the meager provisioning of the ship was soon used up, and so, in search of food and wine rather than diamonds and gold, they set for the coasts of Spain and Portugal, hoping to intercept a local trader freighted with the desired goods.

A small English ship, the *Sarah Snow,* of Bristol, was the first honest craft to vividly discover that a robber was loose on the high seas. What with surprise and the display of a number of guns which Gow had brought up from below and thrust impressively through his ports, the *Sarah Snow* yielded without a fight, whereupon she was systematically rifled from cargo to the crew's few shillings, and, leaving one volunteer to join the despoilers, she was permitted to proceed on her voyage.

The *Delight,* of Poole, next fell into their hands, in very similar circumstances, was plundered and allowed to go.

An Englishman, carrying fish from Newfoundland to Cadiz, was informally and unexpectedly relieved of a large portion of his cargo without dockage or stevedoring fees, but unfortunately without any receipt being given him for

the information of his owners. Not only that, but somebody thoughtfully decided the owners might at least have the advantage of the insurance, so he kicked a hole in the bottom and the fish boat took a nose dive into the far green deeps. The captain and her crew of four men were brought aboard the *Revenge* as "prisoners." They were kept forward under guard, for what eventual disposition nobody — least of all themselves — had the slightest notion. Lieutenant Williams beguiled a boresome day by hanging them up by the thumbs, or seeing which one could longest stand a rope's end on his bare back. Williams, doubtless, would have delighted in the plank-walking trick, but public opinion was not entirely with him. In fact, he began to sneer at Gow — behind his back — for a chicken-livered pirate, and even secured a sort of following for his point of view. One of the four captives, a man named Jack Belvin, avoided the Welsh lieutenant's flayings by signing on with the pirates; the others heroically endured rather than become felons. Well, they must have been pretty good men to begin with to take a boat requiring only a crew of five all the way from Newfoundland to Cadiz.

A Scotch ship, carrying pickled herrings to Italy, was the next in line. The *Revenge* already had a surplus of fish, but, taking off a considerable quantity of the cargo, Gow amused the men and practiced the gunner by bombarding

her with his guns and thus amusingly sending the pickled herring back to their original element. The Scotch crew joined Williams' victims forward.

A pirate always overloaded on the products of the locality he haunted. Kidd, off the Malabar coast procured butter enough to use as a lubricant; Quelch, down Brazil way, acquired control of the coffee and sugar trade; Blackbeard and Bonnet, off the Carolinas, specialized in pineapples and Jamaica rum; Henry Avery, in the Gulf of Guinea, opened his prize package and found it full of negro slaves, and now here is John Gow seriously disturbing the market in salt and pickled fish. Save for the exceptional chance, Kidd, Quelch and Avery would have degenerated into petty peddlers of stolen groceries; their big hauls just happened along.

Everybody on board was now living on salmon, cod and pickled herrings, with never a barrel of bread to go with the fish, and not a spoonful of wine to wash the thirst-provoking diet down. They hesitated to attack any new ships for fear another scaly cargo should mock them, odoriferously from the hold; the thing got beyond a joke and the cook, no doubt, kept his dirk handily under his apron as he passed out the inevitable hunk of pickled horror.

Gow had already seen vividly that the matter of something to eat will upset a dynasty and junk a throne more quickly than any merely political

irritation, so, for the appeasement of his subjects and the preservation of his dignities — to say nothing of his life — he resolved to risk no more disappointing ships but to strike for a port and the run of land stores.

The place chosen for their custom was the little Portuguese settlement of Porta Santa, in the Madeiras. With something of the feeling that honester men have on the homeward heave, all hands pulled together heartily, nor allowed any wallowing merchantmen to divert them until the white walls and red roofs of their desired haven rose comfortingly out of the sea. The *Revenge* foamed smartly into the harbor and rattled her anchor into the mud.

A solemn council in the great cabin — now in all that queer topsy-turveydom which betrays apparent but false authority, and where there was no longer any cramping posture for evening prayers — decided that here was a splendid opportunity to get rid of some of their fish. Appropriately, they would bestow a quantity of it on the governor of Porta Santa, as the embodiment of the State.

Half a dozen ruffians washed their faces, clubbed their briny locks, rubbed up their shoe buckles, pulled together, with long stitches, the gaping holes in their stockings and set out in a boat jammed with dried salmon and pickled herring.

From his airy prison, the Scotch captain gazed

pensively upon them. "Mon," he groaned to a captive Dane, "I cuid bear to ken the rabbers sell ma fush — but to gie it awa'; gie it awa' to these jabberin' jumping-jacks for never a bawbee! Mon, mon, these mock sailors air on the road to ruin. And Gow a Scottishman — " John Gow's departure from the normal was simply inexplicable.

The burly Dane grunted "Yah", practically the extent of his linguistic resources in Danish or any other tongue. He never did know what all these doings meant, anyway.

His Excellency was deeply touched when the load of preserved marine fauna was dumped on the gubernatorial verandah.

"It's not so much the gift," he reflected, turning over a stark salmon with the toe of his shoe, "as the spirit of the giver."

He looked approvingly on the six honest visages before him and marveled at the depths of their unselfishness.

"Where are you bound?" he asked, in Portuguese.

"Tell him Bristol, Bill," prompted one of the emissaries to the slow-footed chum who could parley the lingo sufficiently to interpret the question to his fellows. So Bristol it was.

With racial courtesy, the governor proposed to return to the ship with them, to formally thank their captain. A group of local dignitaries was quickly collected and all went down to the wharf.

"The governor's coming aboard," shouted Gow, as the company appeared at the water side. "Now, men, keep 'em on the quarter-deck and away from the prisoners, and you yourselves try to look less like jailbirds and more like sailormen!"

The reception on the quarter-deck left nothing out; even the awning was drawn across so that for a little while it seemed to some of the men that the past few weeks were all a dream, good or bad as the individual viewpoint dictated.

The boat had had orders, after bringing out the governor's party, to go back to town and fetch provisions. Now, whether the idea was to pay for the goods or to just take them with a thank-ye-marm is not a matter of recorded history; historical it is, however, that the boat came back empty, which Gow, out of the corner of his eye, noticed, and, excusing his absence, stepped down the companion ladder in anxious questioning. Somehow there was always drumming through his head old Paterson's ancient chant, "As we eat, so shall we work."

"They won't give us the grub," bellowed the boatswain, balancing himself in the stern of the bobbing boat.

Gow went back and lodged a courteous complaint with His Excellency. Excellency called an attendant and battered him about the ears with swift Portuguese. Attendant went back with the boat.

Back came the boat in a little while, with the boatswain holding aloft a sadly small meal bag in signals that needed no aid from the boatswain's disgusted expression. More complaints to the governor — and complaints rather acrid; more rapid fire at the attendant; another departure for shore — the boat's crew were beginning to grumble at their oars — another return. Nothing at all with them, this time. The boatswain wig-wagged Gow to do something violent with the governor.

Which Gow proceeded to do. He unbuttoned his coat and revealed himself attired to play "Arsenal" in a charade, with a belt full of sudden death in several varieties. As calmly as if he were taking out a toothpick, he drew a long, convincing pistol and laid it cozily — nose on — into the deepest crease of the governor's brocaded waistcoat.

In this manner the *Revenge* was amply provisioned at Porta Santa.

V

The larder stuffed, the next question before the House was whither now. "Before the House" is a calculated phrase, for, by approved piratical procedure, equal franchise prevailed on the *Revenge;* a majority decided all general propositions; only in the particular ones of fighting, chasing or being chased was the captain's power absolute. With their odd turn for the comic, the jolly sea robbers would often describe their conferences as sessions of the "House of Lords" or the "House of Commons", just as they enjoyed, when carousing ashore, under the mangrove trees of the West Indies, holding mock courts for the mimic trial of one of the number for piracy, when the "Judge" would throw a tarpaulin around his shoulders for the judicial robes, and a turban on his head for the ponderous judicial wig, and the whole affair would be carried off in a quite striking parody of that judicial process which many of their fellows had already suffered under, and for most of whom the actual fact was but a question of time. Such jollities revealed an intimate knowledge of forms and manner and curiously reflected the contemporaneous severity of prosecutors and judges.

The lawless business still had its laws; for instance, sea courtesy between passing pirates required salutes with loaded guns, as against the usual blanks, and in their burial rites the maritime rovers often followed their own peculiar but very particular ritual.

After the usual tumultuous debate, Cape St. Vincent, Spain, was the place chosen for their happy efforts, there to intercept the lawful merchants in those fairly crowded sea lanes. The selection looked justified by an early capture. But, alas for the disappointments of life, when the cargo was eagerly examined, it was found to be merely a mass of negro slaves being rushed from the Gulf of Guinea to the American plantations, by way of Lisbon, into which the slaver had had to detour through the pressure of adverse circumstances. Little did John Gow realize, as he looked down into that fetid hold, that he was gazing upon one of the major elements of future history and the strife of armed hosts. Probably would not have cared, at that.

Slaves were less desirable even than salt fish; Gow wanted no more mouths to feed. However, he could replenish his sail lockers from the brig's canvas, as well as obtain a bagful of watches, small coins and personal knickknacks from the crew. Then, too, the gang decided that here was a good chance to be rid of a number of their unprofitable prisoners by a means not too violent. The disposition of prisoners of a pirate was a

constant problem throughout the history of the business, because, contrary to the common idea, very few pirates could bring themselves to an utter ferocity in the destruction of their victims after the guns had ceased throbbing and the smoke had curled away from the desecrated waters. The worst of them, Teach, England, Davis, Low, Lewis, all had their hours of compunction, and marooning was not hit upon as a method of wicked torture, but as a compromise to get men out of the way whom they could not feed and who would not work with them, yet without making the ship a shambles. This appears to be true, at least, of English-speaking pirates; when you come to the swart Ladrone villains, many of the Spanish, and the Chinese, there you will find the uttermost of barbarity.

So a group of the forlorn mariners was transferred from the *Revenge* to the slaver — not at the slaver's request — and that vessel was then allowed to proceed on its humane occasions.

Lieutenant Williams could not get the point of all this solicitude for mere prisoners. He rather favored the Chinese way.

A French ship next splashed around the Cape and into captivity. A neat find, being freighted with goodly store of oil and wine, even to the solid value of five hundred golden English pounds. Captured, too, like the rest of them, without a blow. As a matter of fact, a fight was exceptional rather than usual, not because mer-

chant masters were cowardly, but because the pirate, often by a trick of false colors, gained a confiding approach until within close range, when he would suddenly bristle his line of muzzle-framing open ports with the snarling demand of money or life. As the old West would have put it, the pirate " got the drop " on his prey.

The dour old Scotch captain, still lamenting the waste of his " fush ", now met the wheel of fortune on one of its most whimsical turns. The *Revenge* was a little bored with the Scotch friend, and a quarter-deck parliament hit on the artful idea of simply making an entire change of prisoners by bodily shifting the present ones over to the Frenchman and bringing all the Frenchmen to the *Revenge*. The pirates felt so relieved with the newness of it all that they even gave the puzzled Scot additional sails and some small articles of ship furniture, — only Mr. Williams reserved the right to kick his departing victims down the gangway. A really nasty person, was Williams.

It would be mightily entertaining, no doubt, to know what the feelings of the Scotch skipper were as he found himself thus on another man's quarter-deck, in another man's cabin, going through another man's shipping papers and deeply mystified as to how he was going to explain the extraordinary situation to another man's owners.

We wonder, too, what the French owners said

"You white-livered coward!" bellowed Williams, "Run away from a frog-eater!" *Page* 303.

when their ship finally reported in the person of a master with an outlandish tongue and a truly incredible yarn.

The Scot bobbed away to the horizon, cogitating his own particular problems, when another ship — but of the wrong sort — came smoothly down upon the *Revenge*.

A French warrior! Gow took her in with a long, slow glass.

"Thirty-two guns," he growled to his boatswain, "and by the looks of her decks the whole French navy's aboard!"

Down fluttered the black flag; a young panic brewed in those honest hearts, while in the prisoners' quarters the Frenchmen could scarcely breathe for hope and fear.

Gow knocked his pipe pensively out on the capstan. His was the right of decision to stay and fight or flee to fight another day. He ordered flight.

"You white-livered coward!" bellowed Williams, rather grogged up, "Run away from a frog-eater!"

That meant only one thing — who would fire first? Out of his belt Williams whipped his pistol and snapped it squarely at his captain. The thing flared and fizzed and flashed feebly in the pan. Guns were tragically unreliable in those days. Ere he could recover for another shot, he went down with two balls piercing his body, —

and one of them was from the weapon of old Paterson.

Gow simply commanded with a slight, contemptuous inclination of the head; old Paterson and another grabbed the lieutenant for rough and ready interment in the convenient deep, but when they had pantingly hoisted the body to the height of the bulwark, it came back to vigorous life, hit about with startling force and then bolted, pistol drawn and still loaded, to the powder magazine, shouting that all hands should go down — or rather up — together. Within but a second of the most dreadful destruction, a couple of stalwarts fell heavily on the desperate wretch and lugged him away to be chained in irons and cast among the prisoners, there to be nursed, lovingly and tenderly, by those who, like all previous captives, had endured his vile whims; nursed, that is, by being used as a bench for tired Frenchmen to sit upon, and as a football for those whose cramped limbs made wholesome exercise imperative.

Somehow the rogue lived, — lived until another ship was captured, or, more probably, simply detained, for, after appropriating a few portable valuables, Gow, with the consent of the crew of the *Revenge,* put Lieutenant Williams aboard the stranger with sharp admonition to the surprised skipper to keep him in close ward until the first English man-of-war was met, to

which he was to be delivered as a wicked pirate for yard-arm bunting.

Simply speechless with astonished rage, Mr. Williams was slung aboard.

But he was only one of many who had to learn that, above all things, pirates loved their little jokes, especially some delicate impertinence like this to constituted authority.

VI

The ship seemed awfully quiet after the roaring Williams had gone. Something was missing, but what it was they did not just know. Unsuspectingly, the grim jest of sending Williams home to the gallows had removed the heart of the piratical enterprise. If the *Revenge* expected to keep on the grand account, fellows like Williams, who could do the rough work, were essential, and without him the great affair threatened to simmer back to the status of a mere mutiny.

Then, too, the presence of the warship, with its promise of hundreds of pounds of hot lead and forest of cutlasses, awakened unhappy perturbation, and stirred even sluggish imaginations with pictures of uncomfortable events. The lads pensively stared at their finger nails and realized only one insistent fact, — that they must depart the region forthwith.

Some kind of retreat began to be openly proposed, but just whither; that was the vexing thing. At this point John Gow forfeits a place in the first rank of pirates for he shows that he did not know the fine points of the game. He is now not far from the place where Henry Avery, some years before, had stolen the *Charles the*

Second, a ship on which he was mate, and, with his exploiting of a discontented crew, was in circumstances very similar to those now surrounding Gow. Avery, it may be remembered, came first of all to the Madeiras, but the point of separation between him and Gow is that Avery knew that the local coast was not the most advantageous place for piracy, knew that the jeweled Indies was, and set his unswerving prow resolutely thither.

A moment's thought concerning the conditions of piracy suggests Gow's difficulty. A pirate's main resource was in merchant cargoes; only luck threw him the fabled treasure ships. For all he could tell about, a pirate might have to plug along in a quiet way of trade, hoping for the time when a *Quedagh Merchant* or a *Gunsway* would reward his patient application. But the successful raiding of merchant ships put the pirate in the same situation that the honest shore trader was in, — to make any profit at all he had to keep his stock turned over. Now, in the Indies, while a pirate was waiting his big haul, a system of coast " fences ", or buyers of stolen freight, made possible his continuance in business. Kidd and Avery and all the rest of them used these folk for the disposal of their plunder, for, as we have seen, one of these gentlemen, Cogi Commodo, boasted to the steward of poor Captain Green's ill-fortuned ship that he had been " merchant " on the Malabar coast, to the emi-

nent Kidd. These illicit traffickers supplied the interlopers and other competitors of the British East India Company, as well as catering to the native markets. The arrangement suited everybody except John Company.

But in European waters the only possible opening for a pirate's wares — that is of the usual merchant sort — was in methods akin to smuggling. That, however, was already a complicated and preëmpted business, and in taking any ship it would always be questionable whether her freight were dutiable and therefore worthwhile contraband. Smuggling could never flourish so haphazardly.

Last of all, but sufficiently troublesome, was the stricter policing of the European coasts. Without these guardians, of course, the customs would have entirely collapsed and piracy rather than smuggling would have prospered by maintaining a sort of cheap local bazaar, such as Blackbeard did in the Carolinas. The lack of effective policing made possible the brisk trip of John Quelch, the Boston boy, down the Brazil coast, for a cargo taken in one latitude was auctioned off in another and no " fence " was needed to aid in dodging a vigilant authority.

The *Revenge* thus was driven off the coasts of Spain and Portugal by lack of a market and incidentally by the police patrol.

Gow and his crew turned the matter over and over in a long debate, which resulted in a deter-

mination to sail away to Gow's native Orkney Islands, a decision which can only be laid to the peculiar fatality which seems to work the self-destruction of wickedness. The meeting must have discussed the possibilities of the East and West Indies, Madagascar, Africa and the Red Sea, not to mention a flyer in slaving on the Guinea Coast; in other words, all the available opportunities for a rising young pirate, but why, against these, were chosen the lean and foggy Orkneys, where even the poor copper penny was worked to death, is a puzzler.

Could it be that pirates sometimes grew homesick?

They hauled down the black flag and shoved it in the locker, whence it was never withdrawn to flap its sinister warning in the winds, and proceeded to give their gang of perplexed French prisoners a trip to Scotland. It would not be surprising if those victims of sportive destiny were beginning to get all turned around, as the saying is.

Without " being chased or giving chase " they reached the northern islands, and Gow, perhaps with a constricted throat and a wet eye, looked once again upon his native land. As they drew into the bay, Gow called his flock together and instructed them to retail to any curious inhabitant the plausible fiction that the *Revenge* was bound from Cadiz to Stockholm, " but contrary winds driving them past the Sound till it was

filled with ice, they were under the necessity of putting in to clean their ship, and that they would pay ready money for such articles as they stood in need of." Of course, they were to leave undisturbed the assumption that they were the actual as well as ostensible owners of the aforesaid "ready money."

One other craft was in the bay when the *Revenge* put in, but to Gow's relief she turned out to be only a French smuggler, or rather a smuggler belonging to the Isle of Man, laden with wine and brandy from France, and which had come north about to "steer clear of the custom-house cutters." According to the amenities of the sea, Gow exchanged presents with the smuggler, as he did also with a Swedish ship which came in a couple of days later. The Swede and the Manxman marveled greatly at the generous gifts of dried salmon and pickled herring which this hospitable *Revenge* almost thrust upon them.

VII

His name might as well be put as Jemmy, for Jemmy has an honest sound and this Jemmy was an honest lad. What his parish parson actually did christen him is irrecoverably lost in some ancient parish record, but somehow it seems as if he should have been named Jemmy, and we will take the liberty of assuming that for once fact and fiction are coincident.

Jemmy, presumably again, was one of the stubborn eight who had refused, at the time of the mutiny, to be traitors to their sailor's duty; at any rate, he had no stomach for a pirate's perils and pleasures. Also, he was a clear-minded youth, old enough, however, to see that his company had now brought him within hailing distance of the king's gallows. Jemmy had no appetite for the ceremonial that that instrument adorned, and so, in the late spring night, when the moon was dark and the moment persuasive, Jemmy slid whitely off the stern of the *Revenge,* without stopping to procure his honorable discharge as an able seaman, and with no more of a flop than a frog would make turning off a log. With his clothes tightly tarpaulined about him, he clove the circling tides smoothly to the beach. As he pulled on his breeches and stockings, he

looked back, but all was quiet. One small yellow light rose and fell out yonder in the watery blackness; to Jemmy the eye of an evil beast of the sea from whose maw he panted in a buoyant freedom. He listened; there was no chump of oars, no hoarse calling afar off, only the wash of white waters among the pebbles at his feet, and, behind him, voices of the shore, — the sweet, sane sounds of a life which he had begun to think had never been.

Dressed, he made for the village. In the middle of an unlighted roadway, a strangely accented tongue told him there was no magistrate there; to find His Honor one would have to push on to Kirkwall.

And how far was Kirkwall?

Kirkwall was a matter of four leagues.

"I must get there to-night," said Jemmy. "Which is the way?"

"The nicht!" came back the buzzing bewilderment. "To the magistrate at Kirkwa' the nicht? Mon, what's upon ye?"

Jemmy wished the fellow would not talk so loud, though reason told him lungs of brass would hardly reach the *Revenge*. Panic.

"Do you know any one would show a man the way to Kirkwall for a bit of money?" asked Jemmy, inspired.

The void answered not. Then, ponderously, "It would take a muckle o' siller for a man wi' bairns to go out the nicht."

" A half-guinea, supposin'."

Long pause.

" Aye — supposin' as ye say. Cam, lad."

Jemmy's guide stopped a little while at a cottage to warn the guid wife he would be out making an honest penny, and then they were off on the shadowy leagues. Cicerone tried with rude probe to find out what Jemmy's business with the magistrate might be, a fact which, perhaps as much as the coveted " siller ", had bought his services, but when daylight and Kirkwall appeared together, he left his queer employer at the house of the magistrate with all of his information unbroached.

" This is a funny cock to be crowing in my parlor the morn," thought the magistrate as, with sleepy peevishness, he was compelled to journey to Santa Cruz, to provision at Porta Santa, to double Cape St. Vincent and what not by this boy with early manhood's whiskers unshaven, drawn, sallow face, uncurbed hair and clad in a striking symphony of old sea clothes. " But sairtainly there has been an egg laid somewhere."

He sent for Mr. Honeyman, sheriff of the county, who dwelt between Kirkwall and the sea. After due deliberation, consultation and speculation, he issued his precepts to the constable and other peace officers, to call together the people " to assist in bringing those villains to justice." Raised his posse, in plain Latin.

While these matters transpired at Kirkwall,

other things significant for Gow were occurring on the *Revenge,* or, rather, off it, for the defection of Jemmy was followed by a veritable landslide; ten men, no less, seized the longboat and made off for the mainland, where they coasted along till they came to Leith, the port of Edinburgh. Their hard journey was rewarded by imprisonment in the Tolbooth at that place as suspected pirates. A well-founded suspicion, if there ever was one.

When John Gow took the next census of his crew only twenty-eight honest fellows answered "here." Although it was obviously time to move on to uncropped pasturage, Gow first resolved to provision himself at the expense of the home folks by the violent means of robbing the wealthier residents alongshore. With that marked turn of his for a quaint joke, the first place that he selected for despoiling was that of our Mr. Honeyman, high sheriff.

Ten men in charge of the bo'sun were detached for this job, and, slinging upon their persons everything in the way of a weapon they could struggle along with, they started off in the early evening.

The high sheriff was flying about the country, compelling his posse, and it was Mrs. Honeyman, candle in hand, who answered the gently deceptive tapping on her front door. When she saw the bristling aggregation on the front steps, she thought for an instant that it was a party of

neighbors stopping in on their way to a fancy-dress ball to show her their diverting make-up. Or she may have mistaken them for a part of her husband's posse, and may have been about to assure them laughingly that they had made the funniest mistake in the world when one of the great beards cracked like a young earthquake and a gale-conquering noise boomed through the ancestral halls of the Honeymans.

"Excuse us, marm, yer leddyship, but we're the pirates and we've come to rob the house. Gi' us the stuff and there'll be no trouble."

Nine walking arsenals clanked into the house, while one remained on guard at the door. The good wife screamed and fled, but fled methodically to the place where the family treasure was secreted, and, throwing the money into an apron, she ran back and out past the sentinel. He supposed she was merely running for her life, and he did not blame her a bit, though that was as far as his interest went.

But upstairs she left her greatest valuable, — a lovely daughter, just blooming, as the romancers say, into beautiful womanhood. This young person's sleep was interrupted by an inexplicable clamor below. She got out of bed, threw something about her and crept out on the stair landing. Unfamiliar voices surged up, together with a cracking and splintering that suggested an escaped menagerie. She inherited her mother's presence of mind. Dashing into father's bed-

room, she grabbed the family papers, and with them in tight grasp, she leaped from her bedroom window, to speed ghostily into the dark.

The two female servants and Sandy, the groom, cowered in the kitchen. The marauders found them there; politely they bowed to the ladies, but demanded of Sandy whether he could play the bagpipes. Sandy admitted his skill on that instrument of torture. So they lugged him out by the ear and bade him pipe them down to their ship, while they followed behind with all the Honeyman plate and linen bundled up in bed sheets on their backs, and all the good Honeyman wine, accumulated through the thrifty years, kicking a jig out of their ruffianly heels.

Sandy's wild night is doubtless still a story in Sandy's generations.

With the loot of the sheriff's house on board, the *Revenge* dropped down the coast a way for another job of "provisioning." They made a fruitless attempt there, and then drew over to an island known as Calf Sound, where was the home of a Mr. Fea, an old schoolmate of John Gow. The pirate felt he could not leave those parts without saying how-do to one who in the past had shared with him the same dominie's birch. In getting to the island, however, Gow dropped his anchor too close inshore, so that when it came time to shift he would not be able to avail himself of the wind. Too much wine from the Honeyman cellars probably.

So the pirate chief wrote a little friendly note to Mr. Fea, begging the loan of a boat to assist in heaving off the ship by carrying out an anchor, and promising solemnly that the favor would not be rewarded with any violence to Mr. Fea's boat or servants. This last clause suggests that Gow knew the word of warning against him was spread abroad over the land.

The bewhiskered messenger who made the contact with Mr. Fea did not notice Fea's boat, which happened to have been drawn up on the beach out of sight behind some rocks. Mr. Fea took advantage of the messenger's oversight and returned to his old chum Jack a very vague answer, the purport of which was that Mr. Fea deplored his inability to oblige. By that time evening was at hand, and Mr. Fea ordered his servants to run the boat into the water, sink her in the shallows whence she could be readily recovered and secrete her gear.

Jock and Tam and Donald were hastily pulling out the mast and rolling up the canvas and unshipping the rigging when they heard the grate of a keel on the sharp pebbles, from which, by the passing of a scud of thin cloud from before the moon, they saw five men slide quietly out, not so quietly, however, that the variety of weapons on shoulders and belts did not slightly jingle. The three servants peered breathlessly over the rocks and marked the movements of the invaders as they set off directly for Mr. Fea's

house. Quickly they threw the boat's trappings beneath a bowlder, thrust the boat itself nose down into the water, where she quickly filled and settled, then turned and ran for the house, where they arrived shortly before the pirates, who were approaching, stumbling and swearing, through the unfamiliar dark.

Mr. Fea ordered all of his servants out of the house, but to remain in the vicinity, and if he should come out, one or two of them were to follow him at a discreet distance. Alone, he prepared to answer the thundering banging upon his front door.

Calmly, quite without panic, Mr. Fea invited the delegation into the hall. They came and peered cautiously about. There was no sight or sound of any one but the master of the house; only the candles burned in their long silver sticks, and a fire against the raw spring night smoked on the wide hearth.

"There is no one here, my friends," said Mr. Fea. "May I ask — "

"You may," growled the bo'sun, thumping his musket butt on the polished floor. "We want your boat to pull us off — we've got out of the wind, d'ye mind? Cap'n says give us the boat and we'll leave yer joolry."

"Jack Gow could have anything he wanted from an old schoolmate," smiled Mr. Fea, like one who, in a pinch, would not object to being a pirate himself, "but Jack is asking a little too

much, when you come to think of it. Here is Jack — a good boy, too, even if he was a little rough at school — come back to his old home only to be published a pirate; but, says I when I heard this, 'Little Johnny Gow a pirate?' 'Never in this world,' said I, and many on the Sound can bear me out on this. 'But he is,' said they, and a bad, pillaging, plundering sea dog he is, to be sure. 'Well,' said I, 'you are welcome to the notion, but as for me, I stand by little Johnny Gow.' But, now, hark'ee, suppose I had a boat, and suppose I said to Johnny Gow, 'Here, heave off with this boat,' what d' ye imagine would happen to me? Why, inside of no time at all, I'd be fast in the Tolbooth at Edinburgh as an aider and abettor of pirates. As men of the world, you know you can't talk to some people when a notion's stuck in their heads, can ye now?"

In this way Mr. Fea turned the edge of the tense minute. With one pretext and another, he wooed the delegation down to the village tavern, where he opened wide his purse and they opened still more widely their mouths, into which that liquid flowed which is authoritatively reputed to steal away the brains. The pirates mellowed, got to slapping Mr. Fea jolting whacks on the shoulder and constantly pledged him with their mugs. Opportunely, their host, so bland, so hospitable and, although they did not realize it, so sober, excused himself a second,

and, stepping out, called Tam and Donald quickly and bade them scamper to the beach and destroy the pirate's boat. This done, they were to come back to the tavern and send in some kind of casual word which would give him excuse to leave his company a second time.

As Mr. Fea passed into the public room again, the keeper and his wife met him with upraised hands and faces of silent consternation. He smiled reassuringly, pushed open the door, upon which a roar of strange sea songs came tumultuously from the inside accompanied with the clanging of cutlasses marking time to the voices. Very coolly he resumed his place at the presidency of the revels, where he directed the increasing bubble of strong Scotch whiskey, varied with the husky smuggled French brandy, until, to his obvious annoyance, he was again interrupted by a call to the outside.

Tam and Donald had done their task. Pulling them aside from the yellow squares of light which shone from the boisterous inn, Mr. Fea now bade them assemble six men, well armed, place them behind the hedges and carefuly remember to do one of two things: if Mr. Fea came from the tavern accompanied only by the boatswain, the ambush was to seize the boatswain; but if he came with the whole crew, he would walk a little forward of the company, upon whom the watchers were then to open fire.

After a considerable wait, the tavern door opened and Mr. Fea stepped forth, — and with him was only the boatswain. The boatswain wanted to take his host's arm in the most friendly manner, but Mr. Fea adroitly disentangled himself; it was no part of his plan to be thus cuddled. Having no use for his rejected arm, the boatswain decided to carry a pistol in each hand, remarking that after all they were his best friends. Mr. Fea thought he was very careless in the way he swung the weapons around, in gestures and for the purpose of punctuating his vigorous conversation.

At a dark and hedge-lined part of the road, the boatswain was just indicating, with a very free gesticulation, how to repulse an enemy at one's bulwarks, when something — probably a heavenly meteor — struck him suddenly from behind, and down he went on the flat of his back, the pistols clattered from his hands, and the meteor, or whatever it was, was poking a handkerchief a lot farther down his throat than he thought necessary for the purpose of preventing speech. Before the fog from his brain could lift, he was bound, hand and foot, until he was as inert as an Egyptian mummy.

The attackers left one man to guard their first capture and stole back to the tavern for the big job. There were two doors to the room where Gow's men were having their little party, at each of which Mr. Fea placed a group of men, who,

at a signal, broke in on both sides and covered the pirates with their muskets before the besieged could pull a dirk or raise a cutlass.

Law and order now had five out of twenty-eight men, but rather disappointingly for our interest, the record thus concludes:

"At length, by an equal exertion of courage and artifice, Mr. Fea captured these dangerous men, twenty-eight in number, without a single man being killed or wounded; and only with the aid of a few countrymen."

And among the captives was old schoolmate John Gow.

Happily, for every Gow there is a Fea.

The *Revenge* was seized by the government, and the pirates sent to Edinburgh under a military guard which came to Calf Sound for that purpose. At Edinburgh they were ironed aboard the frigate, *Greyhound,* which brought them down to London and the court of admiralty which was waiting there to try them.

Five of them were admitted king's evidence, the rest were put to their plea. Now, in the old law, the prisoner's plea of guilty or not guilty was necessary before the trial could proceed. Nowadays if the accused refuses to make either plea, but stands mute, as the expression is, the judge directs that a plea of not guilty be entered for him and the proceedings go on. This simple means of meeting the difficulty did not occur to our forefathers, so they decreed that if the pris-

oner stood mute he was to be put under the press until he either pled or died. In the latter event, he was not considered to have been tried, and not having been tried, any estate which he might leave could not be forfeited. History records some cases where extraordinary persons have endured this dreadful torment to the end, and so saved their property to their heirs, who, one would suppose, could certainly never be sufficiently grateful.

John Gow now chose to take the ordeal rather than be convicted as a felon, for he had relatives whom he wished to inherit his ill-earned gains rather than King George. The preparations for his pressing daunted him. The process was that the person sentenced to be pressed was stretched, or spread-eagled, upon his back, and a succession of weights was gradually lowered upon his chest until he either squeaked his plea or perished. The Press Yard of old Newgate jail indicates the place of such pressings.

Gow's nerve gave way and he begged to be allowed to plead, which was clemently allowed him.

He and six others — presumably including old Paterson — were convicted and received sentence of death, but the rest, showing that their actions had been under a sort of compulsion, were acquitted.

"They suffered," says the old historian, "at Execution-Dock, August 11, 1729. Gow's

friends, anxious to put him out of pain, pulled his legs so forcibly that the rope broke, and he fell, on which he was again taken up to the gibbet, and when he was dead, was hung in chains on the banks of the Thames."

As the ordinary, or prison chaplain, rode back to Newgate in the empty cart from Execution Dock, a line from the ninety-second psalm persisted in his mind. "All the workers of wickedness shall be destroyed."

Redwood Library

SELECTIONS FROM THE RULES

1. Three volumes may be taken at a time and only three on one share. Two unbound numbers of a monthly and three numbers of a weekly publication are counted as a volume.

2. Books other than 7-day and 14-day ones may be kept out 28 days. **Books cannot be renewed or transferred.**

3. Books overdue are subject to a fine of one cent a day for fourteen days, **and five cents a day for each day thereafter.**

4. Neglect to pay the fine will debar from the use of the Library.

5. No book is to be lent out of the house of the person to whom it is charged.

6. Any person who shall soil (deface) or damage or lose a book belonging to the Library shall be liable to such fine as the Directors may impose; or shall pay the value of the book or of the set, if it be a part of a set, as the Directors may elect. All scribbling or any marking or writing whatever, folding or turning down the leaves, as well as cutting or tearing any matter from a book belonging to the Library, will be considered defacement and damage.

REDWOOD LIBRARY AND ATHENAEUM
3 693 300 144670 3

DATE DUE
SEP 2 6 '98
WITHDRAWN
JAN 9 1924
JAN 23 1924
JAN 28 1924
FEB 21 1924
MAY 24 1924
JUN 20 1924
JUL 21 1924
JAN 14 1947
APR 8 1947
JUN 28 1949
DEC 31 1949
SEP 7
JAN 29 1952
APR 25 1957
APR 12 1976